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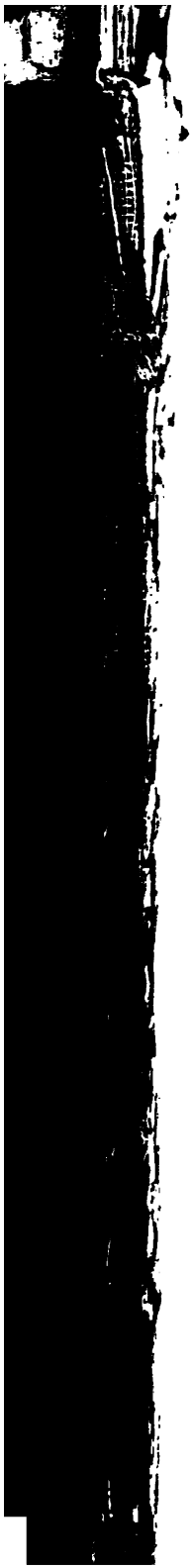

Brooklyn

CHARTERS

OF THE

CITY OF BROOKLYN,

PASSED JUNE 28, 1873.

As subsequently Amended

WITH THE

CHARTER OF APRIL 17, 1854, AND THE AMENDMENTS THERETO, AND OTHER LAWS RELATING TO SAID CITY.

ALSO, THE

ORDINANCES OF THE COMMON COUNCIL

OF THE CITY OF BROOKLYN,

AS CODIFIED AND REVISED AND ADOPTED DEC. 10, 1877.

(COMPILED BY WM. G. BISHOP, CITY CLERK.)

BROOKLYN:
R. M. WHITING & Co., No. 342 FULTON STREET.
1877.

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PREFACE.

To the Common Council:

The compiler has sought in preparing as directed by the Common Council, this compilation of laws relating to the City of Brooklyn, to retain only such provisions as are now actually in force, eliminating those which have been directly repealed. Where this has not been the case, all the clauses bearing on a subject have been retained. As an instance, in illustration, the charter of 1873 originally contained a clause vesting the Aldermen with the powers and duties of Supervisors; subsequently an amendment was enacted reviving the office of Supervisor and in effect repealing the provision combining both of those offices in the same person, though omitting to do so in express terms. As the original section (Sec. 19, Title II.) vested other powers in the Aldermen which were untouched by the amendment, it is for that reason preserved unaltered in this compilation. It is believed, however, this is the only instance of the kind to be found in it.

The charter of 1854, as it stood when that of 1873 was enacted, is also given, for the reason that the present charter refers frequently to "provisions of existing laws," and in terms repeals only such as are inconsistent and in conflict with it. So also of some of the special laws which are included in the book.

The ordinances have been thoroughly compiled. No

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new provisions have been introduced, but the endeavor has been made to retain all that existed, and to so arrange and condense them as to have but a single enactment on any given subject. And also, so to arrange the various provisions in Chapters and Articles as to bring together under one head provisions relating to cognate subjects, and to condense and properly classify them. Frequent amendments to the ordinances as originally adopted, seemed to have rendered this very necessary.

In all this labor the compiler has been largely aided by the Chairman of the Law Committee of the Common Council for 1877, CLARENCE L. BURNETT, Esq., on whose motion the work of preparing this compilation was authorized and directed by the Common Council.

WM. G. BISHOP,

Clerk.

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CHARTER.

AN ACT

TO AMEND THE CHARTER OF THE CITY OF BROOKLYN, AND THE VARIOUS AMENDMENTS THEREOF, PASSED JUNE 28, 1873; THREE-FIFTHS BEING PRESENT." AS AMENDED DOWN TO AND INCLUDING 1877.

TITLE I.

CITY AND WARD LIMITS

SEC. 1. City of Brooklyn, limits of.
2. First Ward, limits of.
3. Second Ward, limits of.
4. Third Ward, limits of
5. Fourth Ward, limits of.
6. Fifth Ward, limits of.
7. Sixth Ward, limits of.
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20. Nineteenth Ward, limits of.
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22. Twenty-first Ward, limits of.
23. Twenty-second Ward, limits of.
24. Twenty-third Ward, limits of.
25. Twenty-fourth Ward, limits of.
26 Twenty-fifth Ward, limits of.

SECTION 1. All that part of the county of Kings, at present known as the city of Brooklyn, shall continue to be a municipal corporation, to be known as and called "The city of Brooklyn." City of Brooklyn.

§ 2. The first ward of the city shall comprise the following district, namely: Beginning at a point on Fulton avenue where the center lines of Fulton avenue and Boerum street intersect each other, and running thence north-westerly along the center of Fulton avenue and Fulton street, and a line in continuation thereof to the East river; thence south-westerly along the East river to a point opposite the center of Atlantic street, or a line in continuation thereof; thence easterly along the center of Atlantic street to the First Ward.

TITLE I. center of Boerum street; and thence northerly along the center of Boerum street to the place of beginning.

Second Ward. § 3. The second ward of said city shall comprise the following district, namely: Beginning at a point on the East river at the center line of Fulton street continued, and running thence south-easterly along the center line of Fulton street to a point opposite the center of Sands street; thence easterly along the center of Sands street to the center of Bridge street; thence northerly along the center of Bridge street and a line in continuation thereof to the East river; and thence westerly along the East river to the place of beginning.

Third Ward. § 4. The third ward of said city shall comprise the following district, namely; Beginning at a point formed by the intersection of the center of Boerum and Fulton streets; thence easterly along the center of Fulton street and Fulton avenue to the intersection of Fulton avenue and Flatbush avenue; thence southerly along the center of Flatbush avenue to the center of Fourth avenue; thence south-westerly along the center of Fourth avenue to the center of Bergen street; thence north-westerly along the center of Bergen street to the center of Court street; thence northerly along the center of Court street to the center of Atlantic street; thence along the center of Atlantic street to the center of Boerum street, and thence north-easterly along the center of Boerum street to the place of beginning.

Fourth Ward. § 5. The fourth ward of said city shall comprise the following district, namely: Beginning at a point where the center lines of Sands street and Fulton street intersect each other, and running thence easterly along the center of Sands street to the center of Bridge street; thence southerly along the center of Bridge street to the center of Fulton street; and thence north-westerly along the center of Fulton avenue and Fulton street to the place of beginning.

Fifth Ward. § 6. The fifth ward of said city shall comprise the following district, namely: Beginning at a point where the center lines of Bridge street and Johnson street intersect each other, and running thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the northerly side of Nassau street; thence easterly along Nassua street to the south-westerly corner of the United States navy yard; thence northerly, north-westerly and north-easterly along the United States navy yard to the East river; thence westerly along the East river to a point on

the continuation of the center line of Bridge street; thence southerly along the center of Bridge steeet to the place of beginning.

Sixth Ward.

§ 7. The sixth ward of said city shall comprise the following district, namely: Beginning on the East river, at the center of Atlantic street; thence easterly along the center of Atlantic street to the center of Court street; thence southerly along the center of Court street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Henry street; thence south-easterly along the center of Henry street to the center of Coles street; thence westerly along the center of Coles street to the center of Hamilton avenue; thence along the center of Hamilton avenue to the East river; thence along the East river to the place of beginning.

Seventh Ward.

§ 8. The seventh ward of said city, shall comprise the following districts, namely: Beginning at a point formed by the intersection of the middle lines of Bedford and Flushing avenues, running thence southerly along the center line of Bedford avenue to its intersection with the middle line of what was known as Clove place, and thence westerly along the middle line of what was known as Clove place to the middle line of Franklin avenue; thence southerly along the middle line of Franklin avenue to the middle line of Atlantic avenue, thence westerly along the middle line of Atlantic avenue to the middle line of Washington avenue, thence northerly along the middle line of Washington avenue to the middle line of Flushing avenue, thence easterly along the middle line of Flushing avenue to the point or place of beginning.

Eighth Ward.

§ 9. The eighth ward of said city shall comprise the following district, namely: Beginning at a point where the center line of Middle street intersects Gowanus bay, and running thence south-easterly along the center of Middle street to the line of the town of Flatbush; thence south-westerly along said Flatbush line to the line of the town of New Utrecht; thence south-westerly along said line, crossing a highway called Martense's lane; thence south-westerly along said line to the southerly boundary of said city of Brooklyn; thence north-westerly along the line of said town of New Utrecht to the bay of New York; thence north-easterly along the said bay, and along Gowanus bay to the place of beginning.

Ninth Ward.

§ 10. The ninth ward of the said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Flatbush

TITLE I. and Atlantic avenues, running thence in a southerly direction along the middle line of Flatbush avenue to the city line; thence along the city line in an easterly direction to the middle line of Franklin avenue; thence in a northerly direction along the middle line of Franklin avenue to the middle line of Atlantic avenue; and thence in a westerly direction along the middle line of Atlantic avenue to the point or place of beginning.

Tenth Ward. § 11. The tenth ward of said city shall comprise th following district, namely: Beginning at a point formed by the intersection of the center of Fourth avenue and Bergen street; thence running south-westerly along the center of Fourth avenue to the center of First street; thence north-westerly along the center of First street to the center of Second avenue; thence south-westerly along the center line of Second avenue to the center of Fifth street; thence north-westerly along the center of Fifth street and Fourth place to the center of Court street; thence along the center of Court street to the center of Bergen street; and thence south-easterly along the center of Bergen street to the place of beginning.

Eleventh Ward, § 12. The eleventh ward of said city shall comprise the following district namely: Beginning at a point where the center lines of Fulton street and Bridge street intersect each other; thence running northerly along the center of Bridge street to the center of Johnson street; thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the center of Nassau street; thence easterly along Nassau street to the south-easterly corner of the United States navy yard: thence northerly along the same to the East river; thence easterly along the East river and Wallabout bay to the center line of Portland avenue, or a line in continuation thereof; thence southerly along the center of Portland avenue in a straight line, across Washington Park to the center of Atlantic avenue and Atlantic street to a point where the center lines of Atlantic street and Flatbush avenue intersect each other; thence north-westerly along the center of Flatbush avenue to the center of Fulton avenue; and thence westerly along the center of Fulton avenue to the point or place of beginning.

Twelfth Ward. § 13. The twelfth ward of said city shall comprise the following district, namely: Beginning in the East river on the center line of Hamilton avenue; thence southerly along the center line of Hamilton avenue to the center of Coles street; thence south-easterly along the center of

Coles street to the center of Henry street; thence northerly along the center of Henry street to the center of Fourth place; thence south-easterly along the center of Fourth place to the center of Smith street; thence northerly along the center of Smith street to the center of Fifth street; thence south-easterly along the center of Fifth street to the center of First avenue; thence south-westerly along the center of First avenue to Gowanus Bay; thence along the Gowanus Bay and East river to the place of beginning.

Thirteenth Ward.

§ 14. The thirteenth ward of said city shall comprise the following district, namely; Beginning at the permanent water line on the easterly side of the East river, where the same would be intersected by the dividing line between the late cities of Brooklyn and Williamsburg; thence running in an easterly direction along the said dividing line to the centre of Ninth street and its intersection with said line; thence in a north-easterly direction along the center of Ninth street to the center of the intersection of Ninth and Grand streets: thence in a north-westerly direction along the center of Grand street to the permanent line of the East river: thence south-westerly along the permanent line of the East river to the dividing line between the late cities of Brooklyn and Williamsburgh to the place of beginning.

Fourteenth Ward.

§ 15. The fourteenth ward of said city shall comprise the following district, namely: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of Grand street; thence running in a south-easterly direction along the center of Grand street to center of the intersection of Grand and Ninth streets; thence in a north-easterly direction along the center of Ninth street to the center of the intersection of North Second and Ninth streets; thence in an easterly direction along the center of North Second street to the center of the intersection of North Second street and Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Union avenue by Fifth street; thence in a north-easterly direction along the center of Fifth street to the center of the intersection of North Fourteenth street by Fifth street; thence in a north-westerly direction along the center of North Fourteenth street to the center of the intersection of North Fourteenth and First streets; thence in a south-westerly direction along the center of First and North Thirteenth streets; thence in a north-westerly direction along the center of North Thirteenth street to the easterly permanent line of East river; thence in a south-

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westerly direction along the easterly permanent line of East river to the center of Grand street, the place of beginning.

Fifteenth Ward.

§ 16. The fifteenth ward of said city shall comprise the following district, namely: Beginning at the center of the intersection of South Second and Ninth streets; thence running in a south easterly direction along the center of South Second street to the center of the intersection of South Second street by Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Wyckoff street by Union avenue; thence in an easterly direction along the center of Wyckoff street to the center of the intersection of Wyckoff street and Bushwick avenue; thence in a north-westerly direction along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North Second street: thence in a westerly direction along the center of North Second street to the center of the intersection of North Second street and Smith street; thence in a northerly direction along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence in a westerly direction along the center of Richardson street to the center of the intersection of Richardson and Leonard streets; thence in a northerly direction along the center of Leonard street to the center of the intersection of Leonard and Van Pelt streets; thence in a westerly direction along the center of Van Pelt street to the center of the intersection of Van Pelt street by Fifth street; thence in a south-westerly direction along the center of Fifth street to the center of the intersection of Union avenue by Fifth street; thence in a southerly direction along the center of Union avenue to the center of the intersection of Union avenue and North Second street; thence in a westerly direction along the center of North second street to the center of the intersection of Ninth street by North Second street; thence in a south-westerly direction along the center of Ninth street to the intersection of Ninth and South Second streets, the place of beginning.

Sixteenth Ward.

§ 17. The sixteenth ward of said city shall comprise the following district, namely: Beginning at the intersection of Ninth street and the former dividing line between the former cities of Brooklyn and Williamsburgh, thence running a south-easterly direction along the said dividing line to the intersection with the center of the Brooklyn and Newtown turnpike; thence in an easterly direction along the center of said turnpike to the center of its intersection with Bushwick avenue; thence in a northerly, north-westerly and north-easterly direction along the center of

Bushwick avenue to the center of the intersection of Wyckoff street and Bushwick avenue; thence westerly along the center of Wyckoff street to the center of the intersection of Wyckoff street by Union avenue; thence in a southerly direction along the center of Union avenue to the center of the intersection of South Second street by Union avenue; thence in a north-westerly direction along the center of South Second street to the center of the intersection of South Second and Ninth streets; thence in a south-westerly diection to the center of the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Seventeenth Ward.

§ 18. The seventeenth ward of said city shall comprise the following district, namely: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the centre of North Thirteenth street; thence running in a south easterly direction along the center of North Thirteenth street to the center of the intersection of North Thirteenth and First streets; thence north-easterly along the center of First street to the center of the intersection of North Fourteenth and First streets; thence in a south-easterly direction along the center of North Fourteenth street to the center of the intersection of North Fourteenth street by Fifth street; thence along the center of Fifth street in a north-easterly direction to the center of the intersection of Van Pelt street by Fifth street; thence in an easterly direction along the center of Van Pelt street to the center of the intersection of Van Pelt and Leonard streets; thence in a southerly direction along the center of Leonard street to the center of the intersection of Leonard and Richardson streets; thence in an easterly direction along the centre of Richardson street to the center of the intersection of the Newtown turnpike (or north road) by Richardson street; thence in a north-easterly direction along the center of the Newtown turnpike, in all its turnings, to the center of Newtown creek; thence in a north-westerly direction along the center of Newtown creek in all its meanderings to the permanent line of the East river to a point where the permanent line of the East river would intercept the center of Newton creek if continued, thence along the easterly permanent line of the East river in a southerly direction to the center of North Thirteenth street, to the place of beginning.

Eighteenth Ward.

§ 19. The eighteenth ward of said city shall comprise the following district, namely: Beginning at the center of the intersection of Richardson street and Newtown turnpike; thence running in a north-easterly direction along the center of Newtown turnpike to the center of Newtown

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creek; thence in a south-easterly direction along the center of Newtown creek to the intersection of the center of Williamsburg and Jamaica turnpike; thence in a south-easterly direction to a certain rock called "Arbitration Rock;" thence south twenty-seven degrees east and one hundred and fifty-five chains to a heap of stones; thence in the same direct line until it is intersected by the westerly line by the town of New Lots; thence in a southerly direction along said last-mentioned line to the northerly line of the present city of Brooklyn; thence north-westerly along said last-mentioned line and along the center of Division avenue to the center of the intersection of Division and Flushing avenues; thence easterly along the center of Flushing avenue to the center of the intersection of Flushing and Bushwick avenues; thence in a northerly, north-westerly and north-easterly, and again north-westerly direction, along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North Second street; thence westerly along the center of North Second street to the center of the intersection of North Second and Smith streets; thence northerly along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence along the center of Richardson street to the place of beginning.

Nineteenth Ward.

§ 20. The nineteenth ward of said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the center line of Division avenue with the center line of Flushing avenue: running thence westerly along the center line of Flushing avenue to the center of Washington avenue; thence northerly along the center line of Washington avenue to the Wallabout bay; thence north-easterly along Wallabout bay to the line dividing the late cities of Brooklyn and Williamsburg; thence easterly along the said last-mentioned line to the center line of South Sixth street, and thence easterly again along the center line of South Sixth street to the center line of Division avenue, and thence easterly again along the center line of Division avenue to the point of beginning.

Twentieth Ward.

§ 21. The twentieth ward of said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the center line of Washington avenue with the center of Atlantic avenue, running thence westerly along the center line of Atlantic avenue to the center line of Portland avenue; thence northerly along the center line of Portland avenue in a straight line across Washington park to the East river or Wallabout bay; thence easterly along the East river or Wallabout bay to the center of

Washington avenue, and thence southerly along the centre of Washington avenue to the center of Atlantic avenue to the point or place of beginning.

Twenty-first Ward.

§ 22. The twenty-first ward of the city of Brooklyn shall comprise the following districts, namely: Beginning at a point formed by the intersection of the middle lines of Bedford and Lafayette avenues; thence northerly along the middle line of Bedford avenue to its intersection with the middle line of Flushing avenue; thence easterly along the middle line of Flushing avenue to its intersection with the middle line of Broadway; thence south-easterly along the middle line of Broadway to its intersection with the middle line of Lafayette avenue; thence westerly along the middle line of Layayette avenue to the place or point of beginning.

Twenty-second Ward.

§ 23. The twenty-second ward of said city shall comprise the following district, namely: Beginning at a point where the centre line of Flatbush avenue and Fourth avenue intersect, and running thence south-easterly along the center of Flatbush avenue to the line separating the town of Flatbush from the city of Brooklyn; thence along the division line, as the same now runs, to the center of Prospect avenue; thence north-westerly along the center of Prospect avenue to Gowanus bay; thence north-easterly along the said bay to the center line of First avenue; thence north-easterly along the center of First avenue to the center of Fifth street; thence south-easterly along the center of Fifth street to the center of Second avenue; thence north-easterly along the center of Second avenue to the center of First street; thence south-easterly along the center of First street to the centre of Fourth avenue; thence northerly along the center of Fourth avence to the place of beginning.

Twenty-third Ward.

§ 24. The twenty-third ward of the city of Brooklyn shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Atlantic avenue and Franklin avenue, running thence in an easterly direction along the middle line of Atlantic avenue to its intersection with the middle line of Albany avenue; thence northerly along the middle line of Albany avenue to its intersection with the middle line of Fulton avenue; thence easterly along the middle line of Fulton avenue to its intersection with the middle line of Yates avenue; thence northerly along the middle line of Yates avenue to its intersection with the middle line of Lafayette avenue; thence westerly along the middle line of Lafayette to its intersection with the middle line of Bedford avenue;

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thence southerly along the middle line of Bedford avenue to its intersection with the middle line of what was known as Clove place; thence westerly along the middle line of what was known as Clove place to Franklin avenue; thence southerly along the middle line of Franklin avenue to the point or place of beginning.

Twenty-fourth Ward.

§ 25. The twenty-fourth ward of the city of Brooklyn shall comprise the following district, namely: Beginning at a point formed by the intersection of Franklin and Atlantic avenues, running thence in a southerly direction along the middle line of Franklin avenue to the city line; thence in an easterly direction along the city line to the middle line of Atlantic avenue, and thence in a westerly direction along the middle line of Atlantic avenue to the point or place of beginning.

Twenty-fifth Ward.

§ 26. The twenty-fifth ward of the city of Brooklyn shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Atlantic and Albany avenues; thence running easterly along the middle line of Atlantic avenue to the city line; thence running north-easterly along the city line to its intersection with the middle line of Broadway; thence running north-westerly along the middle line of Broadway to its intersection with the middle line of Lafayette avenue; thence westerly along the middle line of Lafayette avenue to its intersection with the middle line of Yates avenue; thence southerly along the middle line of Yates avenue to its intersection with the middle line of Fulton avenue; thence westerly along the middle line of Fulton avenue to its intersection with the middle line of Albany avenue; thence southerly along the middle line of Albany avenue to the point or place of beginning.

TITLE II.

LEGISLATIVE DEPARTMENT.

SEC. 1. Legislative power.
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3. Wards to the Towns,
4. Term of office and compensation of Aldermen.
5. Qualifications of Aldermen.
6. Resignations.
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10. Ordinances, etc., to be presented to Mayor for approval—Veto power—Ordinances creating debts, how to be passed.
11. Statement of expenditures to be published annually.
12. Meetings.
13. Powers of Common Council.
1. Levy, etc., of assessments.
2. Supervision of affairs, power to send for books, papers, etc.
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17. Publication of ordinances.
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20. Board of Estimate—Estimates of sums necessary to be raised to be made by Mayor and Comptroller—When to report.
21. Meeting of the Board of Aldermen to determine amount.
22. Common Council may not remit fines in certain cases.
23. Sums to be included in estimates for hospitals, etc.
24. Names of streets, etc, change of.
25. Laws and ordinances not inconsistent with this act to remain in force.
26. Markets, parks, etc., proposition for loan for, to be submitted to people.
27. Mode of submission.
28. Sinking fund for payment of loans.
29. Temporary loans.

SECTION 1. The legislative power of said corporation shall be vested in a board of aldermen, who shall be called the common council. Legislative power.

COMMON COUNCIL.

§ 2. The Common Council shall, on and after the first Monday in January, one thousand eight hundred and seventy-six, consist of one alderman to be elected from each ward as hereinafter described; they shall be elected at the general election to be held in the year one thousand eight hundred and seventy-five, and again in the year one thousand eight hundred and seventy-six, and at such election every two years after the said election of one thousand eight hundred and seventy-six, by the electors respectively of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth, nineteenth, twenty-first, twenty-third and twenty-fifth wards of said city, one alderman for each of the said wards, and there shall be elected at the said general election in the year one thousand eight hundred and seventy-five, and at such election every two years thereafter by the electors respectively of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth, eighteenth, twentieth, twenty-second and twenty-fourth wards of the said city, one alderman for each of the last-mentioned wards. Common council, of whom to consist. Election of aldermen.

§ 3. The said wards shall be considered and are hereby declared to be towns of the county of Kings. Wards to be towns.

§ 4. The terms of the aldermen so chosen shall commence on the first day of January next succeeding their election, and the compensation of each shall be one thou- Term of office, and compensation of aldermen.

TITLE II.

sand dollars per year, except the president of said board, who shall receive twenty-five hundred dollars per year. The terms of office of the present aldermen shall continue until their successors shall be chosen, as above provided, and shall have qualified.

Qualifications of.

§ 5. Every alderman shall, at the time of his election, be an elector of the ward for which he shall be chosen, and shall have been a citizen of the United States and a resident of the city for at least three years immediately previous thereto. No alderman shall, during the term for which he is elected, hold any other public office, except that of notary public or commissioner of deeds. If any alderman, elected under the provision of this act, shall be appointed or elected to and accept such public office, or remove out of the ward in which he shall have been elected, after his election, or during his term of office as such alderman, his office as such alderman shall immediately become vacant, and his place shall be filled by a special election to be ordered within thirty days thereafter by the common council, and to be held by the electors of the ward in which he shall have been elected.

Resignations.

§ 6. The members of the board of aldermen shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided by this act. They may also resign their respective offices at any time, by filing written notices thereof with the city clerk, and publishing a copy of such notice in the corporation newspapers; and the common council shall have the power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold office only for the residue of the term so vacated.

Clerk, duties of etc.

§ 7. The board of aldermen shall appoint a clerk, who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk, and hold his office for two years, unless removed for cause and by consent of the board of aldermen. The city clerk shall have charge of all the papers and documents of the city, countersign all licenses granted by the mayor, and keep the record of the proceedings of the common council. He shall perform such duties as are required of the clerks of the several towns of this state not inconsistent with this act. He shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor, or acting mayor, and said clerk. Copies of all

papers duly filed in this office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained. He shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city, and make return thereof, under oath, to the comptroller.

Quorum.

§ 8. A majority of aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

President, etc.

§ 9. The board of aldermen shall annually elect a president from its own body, and in his absence a president for the time being, choose officers, appoint the times and places of the meetings, determine the rules of its proceedings, be the sole judge of the qualifications, elections and returns of its members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months. But no expulsion shall take place except by the vote of two thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defense.

Ordinances, etc., to be presented to mayor for approval.

Veto power.

§ 10. Every ordinance or resolution of the board of aldermen shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes by the said board shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approves of it he shall sign it, if not, he shall return it with his objections, and file it with the clerk within ten days after he receives it; the said board shall, at its first regular meeting thereafter, enter the objections at length in its journal, and cause said objection to be published in the corporation newspapers, after which publication it shall proceed to reconsider the same, and if two-thirds of all the members elected shall then agree to pass the same, it shall take effect as a law: but in every such case the votes shall be taken by ayes and nays, and entered on the journal. And if such ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board, except by the unanimous consent of the board; in which case it shall take effect upon being

TITLE II.

Ordinances creating debts, how passed.

approved by the mayor; and no debt or obligation of any kind shall be created by said common council against said city, except by ordinance or resolution of said common council specifying the amount and object of such expenditure.

Statements of expenditures to be published annually.

§ 11. The common council shall, at least once in each year, not less than twenty days before the annual election, cause to be printed in pamphlet form, a full statement of all the receipts and expenditures of every description for the fiscal year ending on the thirty-first day of December preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received from each, the several appropriations made by the common council, the objects for which the same were made and the sums expended for each, also any money borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which it was obtained, the authority under which it was borrowed, and the purpose to which it was applied, and how much of the same or other city indebtedness has been paid, and by what means; a copy of which statement shall be supplied to every citizen making application therefor. The statement shall also include a detailed account of city property, personal and real, its value, and if rented to whom and on what terms, of existing debts of every description, and shall exhibit the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city, distinguishing therein the indebtedness and property of the former cities of Brooklyn and Williamsburgh, and the town of Bushwick.

Meetings.

§ 12. The board of aldermen shall hold stated weekly meetings, commencing on the first Monday of January in each year, unless the said first Monday happen on the first day of the year, in which case such stated meetings shall commence on the second Monday of January; but the mayor, or in his absence any three aldermen, may call special meetings of the board of aldermen, by notice to each alderman, served upon him personally or left at his usual place of residence. The board of aldermen may, at any regular meeting, by resolution, order a special meeting, and such resolution shall not require the approval of the mayor.

Powers of common council.

§ 13. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, not incon-

sistent with this act, or with the constituton or laws of the United States, or of this State, for the following purposes; TITLE II.

1. To order and direct the levy and collections of assessments, and to manage its property and finances. Levy, etc., of assessments.

2. To supervise the affairs of all the departments and officers herein named, "and to examine into any charges preferred against any officer, clerk or agent of the city, and into the affairs of any corporation, department or board in which the city may be interested and for this purpose they shall have access to all the records thereto pertaining, and have the power to send for persons, books or papers, to administer oaths, and to examine witnesses." Supervision of affairs. Power to send for books and papers and examine witnesses

3. To fix the salaries of all city officers and to authorize the employment of such assistants in the several departments and offices as they may deem expedient, and to provide for their compensation, except as hereinafter provided, and to require officers to give sufficient security for the faithful discharge of their duties. To fix salaries.

4. To regulate all matters connected with the public wharves and all business conducted thereon, and with all parks, places and streets of the city. Wharves, etc.

5. To regulate or prohibit swimming or bathing in the waters of or bounding the city; and to establish and maintain in the city one or more public baths, as they may deem necessary, and to establish suitable rules and regulations for the management of the same. Bathing, etc.

6. To prohibit and abate nuisances, and assess the expenses of such abatement upon the city, or upon the property affected thereby. Nuisances.

7. To regulate the burial of the dead. Burials.

8. To enlarge the fire district, and to prohibit and regulate the storage or sale of materials which, in their judgment are dangerous. Fire district.

9. To prohibit or regulate and license all places of public amusement. Amusements.

10. To regulate weights and measures, and to appoint city surveyors. Weights etc.,

11. To regulate and license common carriers, carriers of passengers, criers, hawkers, peddlers, pawnbrokers, junk- Hawkers, peddlers, etc.

TITLE II. dealers, public cartmen, truckmen, hackmen, cabmen, expressmen and dealers in coal, firewood, hay and straw.

Markets, etc. 12. To establish, license and regulate public and private markets, and to license, regulate or prohibit slaughter-houses and any noxious traffic or business.

Disorderly houses. 13. To prohibit disorderly conduct and the keeping of disorderly houses, to restrain and punish vagrants, mendicants, street beggars and common prostitutes, and to prescribe penalties for disobedience of this act and of all ordinances.

Filling up and draining of lots. 14. To direct the digging down, draining or filling up of lots or parcels of ground, in all cases in which, by a vote of two-thirds, they shall decide such digging down, draining or filling up to be necessary for preventing any damage or injury to the streets, sidewalks, crosswalks, or to the adjoining property, or for abating a nuisance, at the expense of the owners thereof; to direct the fencing in or inclosing of vacant lands adjoining any street, and the building and maintaining of sufficient brick or stone walls between any lot or piece of land, and any street or avenue adjoining the land, or between any lots where the same shall be required in the opinion of the said common council, by reason of either of said lots not being on the grade of the street upon which either of the same may front, to protect the lot or lots upon the grade of said street, or to protect said street, and to require such wall to be built upon any lot or piece of land which shall not so conform to the grade, at the expense of the owner or owners thereof, and to assess and to collect the expenses thereof, in the same manner as for regulating, grading and paving streets; but before any ordinance shall be passed for any of the purposes in this subdivision mentioned, ten days' notice of the application for or the intention to pass such ordinance shall be given to every person to be affected thereby, either personally or by publication in the corporation newspapers.

Other acts. 15. To do all other acts necessary to carry into effect the provisions of this act, or of such other acts as relate to the city of Brooklyn.

Ordinances. § 14. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police, health, excise, fire and building regulations and by-laws not contrary to the laws of the State or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act

or by any other law of the State, and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of public health, peace and prosperity of said city and its inhabitants.

Penalties.

§ 15. In every by-law, ordinance or regulation which the said common council may pass, it shall impose a penalty for the violation or non-performance thereof.

Actions in corporate name.

§ 16. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state, in the complaint, the by-laws, ordinances or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case, before whom complaint shall be made, under oath, and every police justice and justice of the peace in said city shall have jurisdiction in all such cases.

Publication of ordinances.

§ 17. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall, after the passage thereof, and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of such newspaper or papers, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence.

Newspapers to be designated to publish same.

§ 18. The common council shall designate four daily newspapers (one of which shall be printed and published in the eastern district of said city, and one of which shall be published in the German language, having the largest actual average daily circulation therein, in which shall be published all the ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act or any other act, are, or may be required to be published affecting said city, provided, that the aggregate expenditure shall not exceed sixty thousand dollars per annum, exclusive of tax and assessment sales, which shall be

TITLE II.

published by said papers, at rates to be fixed by the common council; and further provided that such papers as have been heretofore designated as corporation newspapers shall continue to act as such until the common council shall by a two-third vote of all the members elect, designate other papers in place of them or either of them.

Aldermen to be Supervisors, etc.

§ 19. After the first day of January, eighteen hundred and seventy-four, the aldermen shall be supervisors and also fence viewers in their respective wards, and shall have and exercise all the powers and authority conferred by law on supervisors, and all the powers and authority of justices of the peace of towns in criminal proceedings, except the discharge of persons in custody, but shall not be entitled to receive compensation for any services as such justices of the peace. The term of office of the present supervisors elected from the several wards of the said city shall cease and determine on the first day of January, eighteen hundred and seventy-four; and all provisions of law providing for the election of supervisors in the city of Brooklyn are hereby repealed.

Board of Estimate.

§ 20. The commissioners of the sinking fund, together with the supervisor at-large and the treasurer of the county of Kings, shall be a board of estimate, who shall, on or before the first day of June, in each year, estimate the amount required to be raised by law in said city and county, for all city and county purposes, including the moneys raised for the board of education, and the commissioners of charities, for the year commencing on the first day of January then next stating separately what will be required for city and county purposes respectively. The amount so raised for city and county purposes shall not exceed two cents and three mills per dollar upon an amount equal to the aggregate of the assessed value of the property in said city for the previous year; and no greater amount shall be raised in said city by tax for such purposes. All city and county departments, including the park commissioners and the commissioners of charities and the board of supervisors of Kings county, shall, on or before the fifteenth day of May in each year, transmit to the said board of estimate a statement in detail of the several amounts which, in their judgment will be required for the use of the said departments and commissioners respectively; and the said board of estimate shall revise and determine the amount that shall be raised for such purposes in the next annual taxes; provided, that nothing herein contained shall prevent the raising by tax any further moneys which shall be required for the purpose of paying any portion of the principal or interest of the bonded debt of said

Sums necessary to be raised by tax to be estimated.

Amount limited.

city or the said county, to become due. The said board of estimate shall annually present their said estimate of the amount to be raised for city purposes, as aforesaid, to common council, who shall meet on the first Tuesday in June in each year, and then or as soon thereafter as practicable, and before the first Tuesday in July, proceed to determine by a majority of at least two-thirds of all the members elected what sums will be necessary to defray the expenses and liabilities of said city for the year to commence on the first day of January then next; but the aggregate amount of all sums so determined to be raised for city purposes shall not exceed the total amount of the estimate of said board of estimate for such purposes.

Estimate, when to be presented.

§ 21. The board of aldermen shall meet on the first Monday of June, of each year, and then or as soon thereafter as practicable, proceed to determine by a majority of at least two-thirds of all the members elected, what sums will be necessary to defray the expenses and liabilities of said city for the year, to commence on the first day of January next thereafter, not exceeding in the aggregate the total amount estimated by the mayor and comptroller in their statement to the said board, and the several amounts so determined shall be assessed and rated by the board of supervisors of Kings county upon and among the owners of the estate, real and personal, incorporated companies and associations in said city, in the manner now provided by law. The mayor shall preside over the board of aldermen at the meeting aforesaid.

Meeting of board of aldermen to determine amount.

§ 22. The common council shall have no power to remit fines for penalties incurred in violation of ordinances or forfeitures for non-fulfillment of contracts for work done in cases where local assessments may be laid.

Common council may not remit fines in certain cases.

§ 23. It shall be the duty of the Mayor, Comptroller and Board of Aldermen to include in these statements and estimates, provided for by sections twenty and twenty-one of this title, the sum of four thousand dollars to be paid to the City Hospital; the sum of four thousand dollars to be paid to the Long Island College Hospital; the sum of four thousand dollars to be paid to the Brooklyn Homœpathic Hospital; the sum of fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn City Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn Electic Dispensary; the sum of fifteen hundred dollars to the Brooklyn Homœpathic Dispensary; the sum of twenty hundred dollars to be paid to the Williamsburg Dispensary;

Sums to be included in estimate for hospitals, etc.

TITLE II.

the sum of fifteen hundred dollars to be paid to the Long Island College Dispensary; the sum of fifteen hundred dollars to be paid to the Gates avenue Homœpathic Dispensary; the sum of twenty-five hundred dollars to the Brooklyn Nursery; the sum of fifteen hundred dollars to the Williamsburg Homœpathic Dispensary; the sum of twenty-five hundred dollars to be paid to the Brooklyn Homœpathic Lying-in Asylum; the sum of fifteen hundred dollars to the Eye and Ear Hospital of the city of Brooklyn; to the Southern Dispensary and Hospital, ten hundred dollars; to the Orthopedic Dispensary, fifteen hundred dollars; to the Saint Peter's Hospital, four thousand dollars; to the Saint Peter's Dispensary, fifteen hundred dollars; the Atlantic Avenue Dispensary, one thousand five hundred dollars; for the Saint Mary's Hospital, fifteen hundred dollars; for the Saint Mary's Dispensary, one thousand dollars; for the Brooklyn Diet Dispensary, one thousand dollars; for the Saint Catharine's Dispensary, fifteen hundred dollars; such several sums of money to be paid to the said several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the city of Brooklyn who may apply to them therefor. Such contract to be in writing, executed on behalf of the city by the said Mayor and Comptroller, and also by the executive officers of said association respectively, and to be approved by the Counsel to the Corporation of the said city, and filed annually, on or before the thirty-first day of May, in the office of the Clerk of said city.

Names of streets, etc., change of.

§ 24. The common council shall have power to alter and change the names of all the avenues, streets, places, alleys, lanes and public ways in the city of Brooklyn; and the record of the action of the common council, in respect thereto, shall be filed in the office of the city clerk, and shall be binding on all persons in respect to the matters thereby appearing.

Laws and ordinances not inconsistent with this act to remain in force.

§ 25. All acts and parts of acts heretofore passed and now in force in relation to the city of Brooklyn or to its government, control or management, or to its board of education, finances, people or property, and the holding of general and special elections therein, except so far as otherwise provided by this act, or inconsistent with the provisions thereof, shall apply to, and have the same force and effect as if the same had been passed as a part of this act. All ordinances now in force in the city of Brooklyn, not inconsistent with this act, shall remain in force until repealed.

Markets, parks, etc.

§ 26. The common council shall have power to establish markets, make parks, build bridges and to make other im-

provements for the use of said city, and to create loans and to issue bonds therefor, payable at such times and in such manner, and at such rates of interest as they may direct, but no such bonds shall be issued except as provided by law, unless the proposition for creating such debt shall have been previously submitted to the electors of said city at a regular charter election, of which three months' notice shall have been published in the corporation newspapers, and such proposition shall have then received the affirmative vote of a majority of the voters at such election.

Proposition for loan to be submitted to people.

§ 27. The common council may, by ordinance, direct the mode and manner of submitting such proposition to the electors of said city.

Mode of submitting.

§ 28. In case the majority of said electors shall be in favor of creating such loan, the common council which shall be in office next after such election has taken place, may, by a vote of a majority of all the members elected, confirm said loan; but no bonds shall be issued therefor until the common council shall have made specific provisions for a sinking fund, to be raised by annual tax, sufficient to pay and discharge such bonds at maturity, and the faith and property of the city shall be and is hereby pledged for the final payment of any and all such loans.

Sinking fund.

§ 29. The common council, after the taxes have been levied in any year, shall have power to make temporary loans in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied, and for no other purpose, and such tax shall be inviolably applied to pay such loans.

Temporary loans.

TITLE III.

OF CITY OFFICERS, THEIR ELECTION AND DUTIES.

SEC. 1. Administrative power.
2. Departments.
3. Officers to be elected, etc.
4. Not to hold new offices, etc.—Official bonds—Sureties to justify—Official oaths.
5. Elections.
6. Ballots.
7. Board of Canvass, meeting of, etc.
8. Statements.
9. To declare who is elected.
10. Minutes of proceedings.
11. Qualification of Mayor, etc.—Duty to communicate, annually, statement of condition of city—To cause laws to be executed—To issue warrants for arrests, etc.
12. To nominate heads of departments, etc.
13. President of Board of Aldermen to act as Mayor in certain cases.
14, 15. Constables.
16. Assignment of Justices to hold Courts.
17. Supervisors, when elected—their powers and duties.

SECTION 1. The administrative power of said corporation shall be vested in the mayor, the heads of the depart-

Administrative power.

TITLE III.

ments hereinafter named, and such other officers as shall, from time to time, be created by law or appointed by virtue of this act.

Departments.

§ 2. There shall be the following departments:

1. Department of finance.
2. Department of audit.
3. Treasury department.
4. Department of collection.
5. Department of arrears.
6. Department of law.
7. Department of assessment.
8. Department of police and excise.
9. Department of health.
10. Department of fire and buildings.
11. Department of city works.
12. Department of parks.
13. Department of public instruction.

Officers to be elected, etc.

§ 3. The mayor, comptroller and auditor shall be elected, and all other officers shall be appointed, as hereinafter provided. The term of office of the mayor, auditor and comptroller shall be two years. No person shall be elected or appointed to any office unless he be, at the time of his election or appointment, a citizen of the United States, resident and elector of the city for at least three years immediately prior thereto; and, if elected to any ward office, an actual resident in such ward, and his removal therefrom shall vacate such office.

Not to hold two offices, etc.

§ 4. No person so elected or appointed, shall during his term of office, hold any other public office whatever, (except that of commissioner of deeds and notary public,) the fees or emoluments of which are paid out of the city treasury, or who shall be directly or indirectly interested in any contract to which the city or any department thereof is a party; and the holding of any such other office or official position shall be deemed and held to be a vacation of the office to which he was elected or appointed. And no person so elected or appointed shall receive any compensation whatever, except his salary fixed by law or ordinance for any services performed or work done under any public authority. The persons so elected or appointed shall severally execute a bond to the corporation, in such penalty and with such sureties as the common council shall require, conditioned for the faithful performance of their respective duties. In case such officers shall refuse or neglect for ten days after being notified of their election or appointment, to execute or deliver to the city clerk, and in case of the

Official bonds.

Sureties to justify.

city clerk to the comptroller, the bond therein required, such neglect or refusal shall be immediately reported to the common council, who may declare such office vacant; and thereupon the mayor shall nominate, and, with the consent of the board of aldermen, appoint proper persons to fill such vacancies. Such sureties shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been fully approved, shall be filed in the office of the city clerk, except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective offices. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same, the constitutional oath of office of this state, and file the same in the office of the city clerk; and, if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, unless prevented by unavoidable absence from the city, or by sickness from doing so he shall be considered as having declined said office, and the same shall be deemed vacant; and whenever such vacancy shall occur, the mayor shall nominate, and with the consent of the board of aldermen, appoint suitable persons to fill such vacancies.

Official oaths.

§ 5. Elections for mayor and such other officers as are by the provisions of this act to be elected shall be held by the electors of the said city on the day of the general election at the same time and places and in such manner and under such regulations as are or shall be prescribed by law in regard to State elections; the present mayor, comptroller, treasurer, auditor, and collector of taxes and assessments shall hold office for the term for which they were respectively elected; and they shall be heads of their respective departments with the same compensation fixed by this act, and they shall possess all the powers, perform all the duties, and be subject to all the requirements relating to their several departments as defined by this act.

Elections.

§ 6. At the said elections the judges of the city court of Brooklyn, police justices and justices of the peace, or such of them as are required to be chosen at any election, shall be voted for on a separate ballot, indorsed "Judiciary"; the mayor, comptroller and auditor shall be voted for on a separate ballot to be indorsed "City officers;" the aldermen and constables shall be voted for on a separate ballot indorsed "Ward officers." Such ballots shall be de-

Ballots.

TITLE III.

posited by the inspector of the different election districts in separate boxes, to be provided by the city.

Board of canvassers, meetings of, etc.

§ 7. For the purpose of canvassing the votes given at any election, the board of aldermen shall constitute the board of canvassers. The mayor, or in his absence the president of the common council, shall preside, and the city clerk or his deputy shall be the clerk thereof. They shall meet at the room of the common council on the Tuesday next following the election, at or before one o'clock in the afternoon of that day, and a majority of aldermen shall constitute a quorum. The clerk shall then produce the original statements of canvass in each district, as the same shall have been delivered to him; and from them the board shall proceed to ascertain the vote given at such election for the several officers mentioned in such statements.

Statements.

§ 8. They shall make a written statement of the whole number of votes given for the several officers to be elected at such election, the names of the persons to whom such votes were given, and the number of votes given to each.

To declare who is elected.

§ 9. Upon such statement, the board of canvassers shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement. In case any two or more persons shall have received an equal number of votes for the same office, the board shall determine by lot between them. The statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the county clerk.

Minutes of proceedings.

§ 10. The clerk shall keep proper minutes of the proceedings of the board and enter the same with the statement and declaration of the board in the book of minutes of the board of aldermen. Said statement and declaration shall, within one week thereafter, be published in the corporation newspapers. And within ten days after the board shall have determined what persons have been elected, the clerk shall cause written notice of his election to be given to each of the persons so elected.

Qualifications of Mayor, etc.

§ 11. No person shall be eligible to the office of mayor unless he has resided in the city at least five years, and has attained the age of twenty-five years. His salary shall be ten thousand dollars per annum.* He shall, by virtue of his office be a supervisor of the county of Kings, and shall possess all the jurisdiction and exercise all the powers and authority in criminal cases, of a justice of

* Common Council authorized to fix salary, Laws of 1877, Chap. 459.

the peace of said city, in addition to the powers heretofore given him by this or any other act, but shall receive no fees for his services as such justice of the peace, or for his services as supervisor. It shall be his duty:

Duty to communicate, annually, statement of condition of city.

1. To communicate to the board of aldermen, at their first meeting in the month of January, each year, and oftener if he shall deem it expedient, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

To cause laws to be executed.

2. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, to exercise a constant supervision over the conduct and acts of all officers, to examine into all complaints preferred against them for a violation or neglect of duty, and generally, to perform all such duties as may be required of him by law; for which purpose he shall have and possess all the authority and power in criminal cases, to arrest and commit for examination all offenders for offences committed within said city against the laws of this State, of a police magistrate or justice of the peace of any of the towns of this State, and for the preservation of the peace. And shall have the power and authority to issue warrants against any and all persons violating any of the ordinances, by-laws or regulations of the common council, or to direct the proper officers to arrest such persons, and summarily to hear, try, and determine and dispose of the same, where the penalty imposed by said ordinance, by-law or regulation shall not exceed ten dollars. And in case the penalty imposed by said ordinance, by-law or regulation shall not be paid forthwith, upon such person being adjudged guilty, then the said mayor shall have power, by warrant under his hand and seal, to commit the said offender to the county jail of Kings county for a term not exceeding thirty days, or until the fine is paid; and in cases where the penalty shall exceed ten dollars, the said mayor may, after examination, hold the parties to bail. And in all cases where such persons shall hold a license or warrant, granted by the common council, or any of the officers thereof, it shall be lawful for the said mayor to suspend said license or warrant, or the person so found guilty, from the benefits and privileges of said license or warrant until the common council shall pass upon the same. And it shall be the duty of the mayor to report the fact of such suspension, together with his reason therefor, to the board of aldermen at the next meeting thereof. And no person so suspended shall be entitled to any benefits, privileges or rights under such license or warrants until the suspension shall be removed by the common council. He shall, jointly

To issue warrants, etc.

TITLE III. with the comptroller, sign all warrants, bonds, and other obligations of corporation. But he shall not sign any warrant or other obligation, unless a proper voucher therefor shall have been first examined and certified to by him; and he shall sign no bonds for any loan unless the receipt of the treasurer for the money loaned shall have been first seen and indorsed by him.

To nominate heads of departments, etc.

§ 12. The mayor shall, except as herein otherwise provided, nominate, and with the consent of the board of aldermen, appoint the heads of several departments, and the assessors as hereinafter mentioned. The mayor shall also have the power to suspend any officer appointed by him, and it shall be his duty to report the fact of such suspension, together with the reasons therefor to the board of aldermen at the next meeting thereof. The board of aldermen may thereupon and for cause, remove such suspended officer by a vote of two-thirds of all aldermen elected, provided that no such removal shall take place until the said party sought to be removed has had an opportunity to be heard in his defense. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the board of aldermen. If the final vote shall be against such removal, such suspension shall cease and determine.

President of the board of aldermen to act as mayor in certain cases.

§ 13. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, by sickness, or any other cause, from attending to the duties of his office, the president of the board of aldermen, or, if the said president shall be absent or disabled, the president to be elected pro tempore shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office, or such absence or disability of the mayor, or of the president of the board of aldermen.

Constables.

§ 14. There shall be elected annually in each ward one constable, who shall hold office for the term of one year from the first day of January succeeding his election. He shall give such security as shall be prescribed by the common council, and shall perform the duties which are by law prescribed to constables in the towns and counties of this State.

§ 15. The persons now constables shall hold their office for the term for which they were respectively elected.

Assignments of justices to hold courts.

§ 16. The mayor may at any time assign any justice of the peace or police justice to hold court in any district in

the city of Brooklyn, and every such court shall be open for the transaction of business from nine o'clock A. M. until three o'clock P. M.

Supervisor when elected, power and duties.

§ 17. There shall be elected at the general election to be held in the year one thousand eight hundred and seventy-five, and at such elections every two years thereafter, by the electors respectively of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth, nineteenth, twenty-first, twenty-third and twenty-fifth wards of the said city, one supervisor for each of the said wards; and there shall be elected at the said general election in the year one thousand eight hundred and seventy-five, and again in the year one thousand eight hundred and seventy-six, and at such election every two years after the said election in the year one thousand eight hundred and seventy six by the electors respectively of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth, eighteenth, twentieth, twenty-second and twenty-fourth wards of said city, one supervisor for each of the last mentioned wards. The supervisors so chosen shall be entitled to take their seats on the first day of January next succeeding their election, and shall hold their office until their successors shall be chosen, as above provided, and shall have qualified. The supervisors to be chosen, by this section provided, shall possess the powers and be entitled to the compensation respectively of supervisors of the county of Kings.

TITLE IV.

OF THE DEPARTMENT OF FINANCE.

SEC. 1. Comptroller, election of, etc.—Annual statement of finances—Keeping of accounts.
2. Bonds, etc., not to be issued unless bids for the same be advertised.
3. Comptroller may inspect accounts.
4. Rate of interest on city bonds, etc.
5. Transfer of stocks.
6. City accounts to be classified.
7. General fund accounts, what to comprise.
8. Special fund.
9. Revenue fund.
10. Sinking fund.
11. Redemption fund.
12. Faith of city pledged to payment of moneys borrowed.
13. Net surplus income of water works to be paid to sinking fund.
14. Control of sinking fund.
15. Meeting of commissioners of.
16. Investment of.
17. Accounts of.
18. Arrears of taxes to be charged to registrar of arrears.
19. Taxes to be charged to collector of taxes.
20. Comptroller to countersign the checks.
21. Contract for local improvements—Amount of liabilities to be incurred limited—Term local improvement defined
22. Money borrowed, how to be applied.
23. Contracts to be filed in Comptroller's office.
24. Comptroller to furnish statement of appropriations to treasurer.
25. Examination of the accounts of collector of taxes.
26. Plans for increase of revenue, etc.

SECTION 1. There shall be a comptroller who shall be

TITLE IV.

Comptroller, election of, etc.

elected at the general election to be held in the year one thousand eight hundred and seventy-four, and every two years thereafter. His salary shall be ten thousand dollars per annum.* His term of office shall commence on the first day of January next succeeding his election. He shall be the head of the finance department, having the direction and management of the accounts and finances, subject to the ordinances of the common council, and shall render to the common council, as often as required, a full and detailed statement of all receipts and disbursements of the city government, specifying the amount expended and unexpended on each appropriation made by the common council, with the state of account, together with a general statement of liabilities and resources of the city, and such other information as may be necessary to a full understanding of the financial affairs of the city. He shall also, under the direction of the common council, prepare the annual statement hereinbefore directed to be published, and manage all the financial concerns of the corporation, in addition to such duties as may be required of him by law. He may administer an oath to any person or officer who shall be required to render an account or make any return to him, or furnish proof of his right to receive any sum of money or any evidence of indebtedness from the said comptroller, or from the city of Brooklyn. He shall prescribe the forms and methods of keeping and rendering all city accounts, the forms of accounts and pay rolls to be used in the several departments and offices, the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employees of the corporation shall be paid. All salaries shall be paybale monthly. No expenditures, debts or disbursements of the several departments or other officers, shall be paid, except upon vouchers properly certified and audited, as provided by this act.

Annual statement of finances.

Keeping of accounts.

§ 2. No bonds, stocks, or other obligations of the city of Brooklyn, hereafter to be issued, shall be sold, unless bids for the same shall be advertised for the comptroller in the corporation newspapers, and also in two daily newspapers published in the city of New York, to be designated by the comptroller, for at least ten days; and all such bonds, stocks, and obligations shall be awarded to the highest bidder therefor, by the mayor and comptroller, after publicly opening such bids by them; provided, that no bonds, stocks, or other obligations shall be sold for less than their par value and accrued interest, unless with the consent of the mayor, comptroller, and finance committee of the board of aldermen. The mayor and comptroller may reject all bids which they consider not for the advantage of the city.

Bonds, etc., not to be issued unless bids for same be advertised.

* Common Council authorized to fix salary. Laws of 1877, chap. 469.

Comptroller may inspect accounts.

§ 3. All amounts rendered to or kept in the other departments of said corporation shall be subject to the inspection and revision of the officers of this department, and be kept in the manner prescribed or approved by the comptroller, subject to the ordinances of the common council.

Rate of interest on city bonds, etc.

§ 4. All stocks, bonds, and securities of the city of Brooklyn, hereafter issued, shall bear not more than seven per cent. interest per annum, and shall be negotiated and disposed of by the mayor and comptroller. The comptroller shall keep careful accounts of the same in his office, and shall prescribe the forms of all such obligations, and sign the same jointly with the mayor; but no stock, certificate, bond, or other obligation shall be delivered by them for any loan to the corporation until the amount has been actually deposited in the city treasury, and the receipt for the money is produced and filed in the comptroller's office.

Transfer of stocks.

§ 5. The comptroller shall prescribe proper rules and regulations for the transfer of all stocks and bonds which, by their tenor, are transferable, and shall provide proper and convenient books for such transfer, which shall be kept in the comptroller's office. But no transfer of any stock or bond shall be allowed, and no new certificate therefor shall be issued, without the surrender and cancellation of the certificate previously issued for the same.

City accounts to be classified.

§ 6. The accounts of the city shall be divided into five distinct classes. The first of said classes shall be called the general fund; the second shall be called the special fund; the third shall be called the revenue fund; the fourth shall be called the sinking fund; the fifth shall be called the redemption fund. No money raised or received for the use of one of said funds shall, at any time, be used for the purpose of either of the other said funds, except as hereinafter provided.

OF THE SEVERAL FUNDS AND THE ACCOUNTS TO BE KEPT THEREOF.

General fund accounts, what to comprise.

§ 7. The general fund shall comprise all taxes levied for any purpose within said city, and the receipts therefrom, and all payments made on account thereof; also all city appropriations and expenditures provided for by such tax, and by the income of the revenue fund. The accounts of said fund shall also include the loans, receipts and expenditures on account of purchasers by the city of lands sold for unpaid taxes and water rates, and redemption thereof, the extension and repair of the city water-works, the Prospect park and other public parks, the construction of the East

TITLE IV. river bridge, and other public improvements. A pro rata proportion of all the moneys collected by tax within said city shall be due to the county monthly, and shall be paid by the financial officers of the city, upon the requisition of the county treasurer.

Special fund. § 8. The special fund shall comprise all loans, assessments and receipts for special local improvements, including interest thereon; also all payments on account thereof, and for the redemption of such loans, and the interest thereon. The accounts of this fund shall also include the receipts and disbursements on account of the laying out and opening of new streets, avenues, squares and places.

Revenue fund. § 9. The revenue fund shall comprise all the moneys levied, assessed and received for collectors' and assessors' fees, default and interest on taxes, and arrears thereof, interest on redemptions of property purchased by the city for unpaid assessments, taxes and water rates, costs and fees of city officers, advertising fees, inspectors' fees, licenses, fines and penalties, court fees and fines of the police and justices' courts, sales of personal property, rents and proceeds of sales of real estate, except as otherwise provided in this act, interests on deposits and all revenues of the city whatsoever from other sources than taxes, except as herein otherwise provided. The revenue fund shall be kept inviolate, except for the payment of judgments against the city for which no sufficient or other provision has been made, charges (for advertising, etcetera,) on arrears of assessments, taxes and water rates, fines by law, made payable to any public institution, expenses and damages on account of the rejection of assessments for local improvements, also for interest on city loans not otherwise provided for; and the accounts of said fund shall exhibit the payments, if any made, for each of said purposes, and a rebate on all taxes, assessments and water rates as hereinafter provided. The balance remaining to the credit of said fund on the first day of September, in any year, shall be transferred to the general fund on or before the thirty-first day of December of each year, and such amount shall be deducted from the amount otherwise necessary to be raised by tax for city purposes for the ensuing fiscal year.

Sinking fund. § 10. The sinking fund shall comprise all moneys heretofore or hereafter raised by tax or received from other sources for the payment of the principal or interest of city loans, together with the interest accruing from the investment of such money by the commissioners of the sinking fund, also all payments made for investments, interest on the city loans, and for redemptions of the principal thereof.

The accounts of this fund shall at all times exhibit the description and amounts of securities and investments belonging to it, also the amount of unemployed money on hand, and the names of the institutions in which the same are deposited.

Redemption fund.

§ 11. The redemption fund shall comprise all moneys received for the redemption of real property sold for assessments, taxes and water rates (except in cases where such property shall be purchased by the city of Brooklyn), and all moneys paid to holders of certificates of sale issued by the collector of taxes and assessments, the department of city works, or the registrar of arrears. All redemption moneys deposited in the treasury shall be drawn therefrom only upon checks prepared and signed by the registrar of arrears, and countersigned by the comptroller.

Faith of city pledged to payment of moneys borrowed.

§ 12. The faith of the city, as constituted by this act, and the property belonging to it, are pledged to the final payment of all moneys heretofore borrowed or raised by the city of Brooklyn, under or by virtue of any law of this State, and any sum of money for which the whole or any part of the city of Brooklyn is now liable, shall be raised on those parts of the city which were liable for the same on the passage of this act.

Net surplus income of water-works to be paid to sinking fund.

§ 13. The net surplus income from the public water-works of the city, after paying the interest on all outstanding bonds issued for the construction and extension of said works, and after discharging any other claims by law chargeable against the water revenue, shall be paid over to the commissioners of the sinking fund at the end of each year, and such surplus, together with the interest thereon, shall be appropriated solely for and toward the payment and redemption of the water bonds of said city.

Control of sinking fund.

§ 14. The moneys and securities of the sinking fund shall be under the control and management of three commissioners, consisting of the mayor, comptroller and auditor, who shall be known as the commissioners of the sinking fund. The present treasurer shall, during his term of office, be one of the said commissioners, instead of the auditor. The comptroller shall have the custody of all securities, books and papers belonging to said commissioners or appertaining to said fund. All bonds and other securities belonging to the sinking fund shall be indorsed by the comptroller as follows: "The property of the sinking fund of the city of Brooklyn, transferable from said fund only by written order of the mayor, comptroller and auditor, the commissioners of said fund." Any transfer, without such order, of any bond so indorsed shall be null and void.

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Meeting of commissioners of.

§ 15. The commissioners of the sinking fund shall meet once in each month, or oftener if required, in the office of the comptroller, for the transaction of business connected with said fund. The comptroller shall appoint one of the clerks in his office to act as secretary for the commissioners of the sinking fund, but such clerk shall receive no additional compensation for services rendered as such secretary. The mayor, or in his absence the comptroller, shall preside at such meeting.

Investment of.

§ 16. The said commissioner shall, from time to time, invest the money of said fund in any stock for the payment of which the faith of this State or the United States is or shall be pledged, or in any of the bonds or securities issued by said city or the county of Kings, and shall deposit said moneys with any safe moneyed corporation in this State, and make such contract with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund; and may also, at such times and upon such terms as they may deem advisable, pay any part of the moneys borrowed or raised as aforesaid before the times limited for the payment thereof.

Accounts of.

§ 17. The comptroller shall keep the accounts of said fund, and the said commissioners shall report to the common council, semi-annually, at its first meeting in January and July, a particular account of the condition of said fund, specifying the repairs and payments since the last report, the amount and description of stocks and securities held by them, with the interest they bear, the institution holding deposits, amount of such deposit and the rate of interest paid thereon, respectively; also the amount of securities purchased, if any, and the rate paid therefor.

Arrears of taxes to be charged to registrar of arrears.

§ 18. He shall charge to the registrar of arrears the amount of all arrears of taxes, assessments and water rates transmitted to him for collection, with all sums properly chargeable by said registrar for default, interest, fees, charges and expenses, and all amounts received for redemption of property sold for unpaid taxes, assessments and water rates, and shall credit his account with all payments made to the treasurer on account thereof, and with all duly authorized deductions and cancellations.

Taxes to be charged to collector of taxes.

§ 19. He shall charge to the collector of taxes and assessments the amounts named in the rolls and lists annexed to all warrants delivered to him for collection, with all sums properly chargeable by said collector for default and interest, and shall credit him with all payments made by him to the treasurer on account thereof, and with all

duly authorized deductions, discounts and cancellations, and with all uncollected taxes and assessments which shall have been duly transmitted to the registrar of arrears.

Comptroller to countersign checks.

§ 20. He shall countersign all checks on the treasurer drawn by the registrar of arrears for the redemption moneys upon the production and cancellation of the certificate of sale or lease of the property redeemed.

Contracts for local improvements.

§ 21. All contracts for local improvements shall state, as near as may be, the total amount thereof; and the comptroller shall keep a correct account of all liabilities incurred under contracts with the amounts paid on account of the same, and render statements thereof as often as may be required by the common council. No contract for any local improvement, except for sewers, shall be awarded or entered into unless an estimate of the amount to be expended under the same shall have been first prepared by the commissioners of city works and submitted to the common council. The amount of liabilities incurred under contracts for local improvements shall not exceed at any time the amount which, by law, may be borrowed by the city to pay for such improvements. Any officer signing or executing any bond, obligation or contract, in contravention of the provisions of this title, shall be deemed guilty of a misdemeanor, and on conviction thereof, be liable to imprisonment for not less than one year, and to a fine of not less than one thousand dollars for each offense. The term local improvements, wherever it appears in this act, shall be construed and is hereby declared to embrace the grading, re-grading, paving, re-paving and curbing of streets, the laying of crosswalks and flagging, setting of lamps and posts, fencing, digging down and filling in of lots, and the building of any draw bridge to connect one part of a street with another, and any other work for which an assessment for benefit may be laid.

Amount of liabilities to be limited.

Term "local improvements" defined.

Money borrowed, how to be applied.

§ 22. Whenever the city shall by law be authorized to borrow money on bonds or other obligations for any specific purpose, the money so borrowed shall be applied only to such purpose; provided, however, that any premium realized upon the sale of said bonds or obligations, and any surplus remaining after accomplishing such purpose shall be paid into the sinking fund for the redemption of such bonds or obligations; and it shall not be lawful for the common council of the said city to borrow any money except under special provision of law, or as provided in this act, or to enter in any contract by which they may be compelled to pay money, except for the purposes for which they are or may be authorized to raise money by tax, and

TITLE IV.

then only to an amount not exceeding the sum they are authorized by law to raise by tax during that municipal year for the purpose for which such money may be borrowed or contract entered into; and it shall be the duty of the said common council to pay all moneys so borrowed, with interest accruing thereon, and to discharge all such contracts out of the money raised by tax during the same municipal year for which the money is borrowed or contract entered into, except as otherwise by this act provided.

Contracts to be filed in office of comptroller

§ 23. All contracts, or copies thereof, made by the city with individuals or corporations, shall be filed in the office of the comptroller. He shall have charge of, collect and pay over to the treasurer, all rents due or to become due to the city from any property in the custody and care of which is not by this act or other laws committed to some other department or officer.

Comptroller to furnish statement of appropriations to treasurer.

§ 24. It shall be the duty of the comptroller to furnish to the treasurer statements of all the appropriations made by the common council, before any warrants shall be drawn on account of the same; he shall notify the mayor, in case of any neglect or failure on the part of any officer or officers authorized to collect any moneys for or on account of the city, to deposit their collections in the treasury, and thereupon the mayor shall suspend such officer or officers, and forthwith report such action to the common council.

Examination of accounts of the collector of taxes.

§ 25. It shall be the duty of the comptroller, auditor and chairman of the finance committee of the board of aldermen, to examine annually the accounts of the collector of taxes and assessments, registrar of arrears, registrar of water rates, and the treasurer, and to present to the common counsel, at its first meeting after the first day of January in each year, the result, in writing, of such examination; and it shall be the duty of the auditor and the chairman of the finance committee of the board of aldermen to examine annually the accounts of the comptroller, and to report thereon in like manner. The common council or the finance committee thereof may, at any time, order a further examination of such accounts.

Plans for increase of revenue.

§ 26. It shall be the further duty of the comptroller from time to time to communicate to the common council plans and suggestions for the increase of the revenues, for promoting economy in the public expenses, and generally for improving the administration of the finances of the corporation.

TITLE V.

DEPARTMENT OF AUDIT—OF THE AUDITOR.

SEC. 1. Auditor, election of, etc.
2. Money, how to be drawn from treasury.
3. Bills to be made out in items.
4. Inspection of books, etc.
5. Examination of witnesses, etc.
6. Weekly reports to the common council.

Auditor, election of, etc.

SECTION 1. There shall be an auditor, who shall be elected at the general election to be held in the year one thousand eight hundred and seventy-four, and every two years thereafter, whose term of office shall commence on the first day of January next succeeding his election, and he shall be the head of the auditing department, and shall receive an annual salary of five thousand dollars.* It shall be his duty to examine all bills presented against the city for payment. No claim against the city, including claims for local improvements, shall be paid unless he shall certify that the services have been rendered, or the materials furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract.

Money, how to be drawn from treasury.

§ 2. All moneys drawn from the treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and also approved by the comptroller, in whose office all such vouchers shall be filed.

Bills to be made out in items.

§ 3. No bill or claim shall be audited unless the same be made out in items, certified by the head of the department or officer having cognizance of the subject of such claim.

Inspection of books, etc.

§ 4. He shall also have the right to require from the different officers all the information which they possess, and to inspect any book, contract, resolution or other paper or document in their respective departments or offices, and it is hereby made the duty of all such departments and officers to furnish and permit the same when so reburied by him.

Examination of witnesses, etc.

§ 5. He shall also have the right to examine any person presenting claims for settlement or other witnesses concerning any such claim, and to administer an oath to any such claimant or witness.

Weekly reports to the common council.

§ 6. It shall be the duty of the auditor to report to the common council weekly the name of every person in

* Common Council authorized to fix salaries, Laws of 1877, Chap. 469.

TITLE V. whose favor an account has been presented during the preceeding week, with the decision of the auditor upon the same, and his final action thereon.

TITLE VI.

OF THE TREASURY DEPARTMENT.

SEC. 1. Treasurer's appointment of—Duties of.
2. Books to show condition of appropriations—when accounts may be overdrawn.
3. Receipts to be given by treasurer.

Treasurer, appointment of etc.

§ 1. At the first meeting of the board of Aldermen in January, in the year eighteen hundred and seventy-five, the mayor shall nominate and, with the consent of the board of aldermen, shall appoint a treasurer. He shall be the head of the treasury department, and shall hold office for two years, and receive an annual salary of seven thousand dollars,* and all provisions of law providing for the election of a treasurer of the city of Brooklyn are hereby repealed. The treasurer shall receive and deposit daily all moneys belonging to the city in such banks and trust companies, to the credit of the city, upon such terms and in such amounts as the commissioners of the sinking fund may direct, or as he in default thereof may determine. The amount so deposited shall be, as near as may be, in proportion to the capital of the several banks and trust companies in which such deposits shall be made, and all interest that may accrue on all money so deposited shall be collected by and be credited to the city quarterly, and a detailed account thereof furnished to the comptroller. He shall keep an accurate account of all receipts and payments, and make weekly returns thereof in such manner as the comptroller may direct. It shall be the duty of the heads of the several departments, all justices of the peace, police justices and all other officers of the city, to pay him all moneys by them received, belonging to the city, at the times and in the manner provided in this act, or as may be directed by the common council, or in default thereof, by the comptrollor, and to account therefor under oath, with items, to the comptroller. No moneys shall be drawn from the treasury except in pursuance of an appropriation by the common council or under the provisions of existing laws, and upon warrants signed by the mayor or acting mayor, and by the comptroller or his deputy, and countersigned by the city clerk, or in his absence, by his assistant. Such warrants shall specify for what purpose the amount therein mentioned is to be paid, the appropriation or account which it is drawn, and the date of the law or resolution authoriz-

* Common Council authorized to fix salaries, Laws of 1877, Chap. 469.

ing the same, and the said clerk shall keep an accurate account of all orders directing moneys to be paid, in a book to be provided for that purpose, provided that redemption moneys may be drawn out of the treasury by checks signed by the registrar of arrears and countersigned by the comptroller.

Books to show condition of appropriations.

§ 2. It shall be the duty of the treasurer to keep books showing at all times the condition of the several appropriations, and such other particulars as may be directed by the comptroller; but no warrant shall be paid on account of any appropriation, or be charged to any account, unless there is a balance equal to the amount of such warrant standing to the credit of the proper account, and applicable to such warrant; provided, that if the comptroller shall deem it advisable to effect a sale of bonds at any particular time, he may, with the consent of the mayor, overdraw any of the accounts which are made up from the moneys received for the sale of bonds, but such overdrafts shall in no case exceed the amount for which bonds may be issued by the city under existing laws on the particular account so overdrawn; and it shall be the duty of the financial officers of the city to issue and sell such bonds when the money shall be needed by the city.

When accounts may be overdrawn.

Receipts to be given by.

§ 3. The treasurer shall give receipts in duplicate, in such form as shall be prescribed and approved by the comptroller, for the moneys paid to him for taxes, assessments, loans or other purposes, which receipts shall specify what the amounts are for, and the accounts credited by him therewith, and all such receipts or duplicates thereof shall forthwith be filed with the comptroller by the person paying such money.

TITLE VII.

DEPARTMENT OF COLLECTION.

SEC. 1. Collector of taxes and assessments, appointment of, etc.
2. Powers of—Notices to be published by—Bills to be left at residences of persons charged with assessments.
3. Renewal of official bonds of.
4. Two per cent. to be added to tax roll for expenses of collection.
5. Penalty for conversion of moneys by collector or deputy, etc.
6. When Supervisors to deliver assessment rolls and warrant for collection of taxes, to collector, etc.
7. Collector to furnish abstract of each assessment for local improvement.
8. Collector may receive total amount assessed at any time.
9. Warrants for collection of tax and assessments.
10. Allowance to be made on taxes paid before thirty days—One per cent. to be added after thirty days.
11. Bills renewed after January 1, 1875, what to contain.
12. Provision of law as to a rebate to apply only to certain assessments
13. Account of unpaid taxes.
14. Upon making affidavit, collector to be credited with amount of unpaid taxes.
15. Duty of present collector of taxes to prepare statement, etc.—to be signed and verified—to pay over money.
16. To prepare for registrar of arrears account of property sold for taxes etc.
17. Separate account of unpaid taxes of 1871, and previous years.
18. Of each year within one year from date of warrant.

TITLE VII.

Collector of taxes and assessments, appointment of, etc.

SECTION 1. In the month of May, eighteen hundred and seventy-five, and every two years thereafter, the mayor shall nominate, and, with the consent of the board of aldermen, appoint a proper person to be the collector of taxes and assessments, who shall hold office for two years from the first day of July in said year, and shall receive an annual salary of seven thousand dollars,* and all provisions of law providing for the election of collector of taxes and assessments for the city of Brooklyn are hereby repealed. He shall be the head of the department of collection, and shall collect and receive all moneys that may be or may become due under any warrant delivered to him for taxes and assessments, which moneys he shall pay to the treasurer of the city on the same day on which he receives them. He shall render an account thereof to the comptroller in detail, who shall compare the amount received, with the respective items on the tax and assessment lists in his office, and note all payments on the margin opposite such items, with the date of such payment. The amounts included in all warrants for taxes and assessments delivered to the tax collector, together with all default and interest, shall be credited by him on the books in his office to the city; and the amounts paid by him to the treasurer of account thereof, with all rebates, reductions and cancellations shall be charged by him to the city, together with all items of uncollected taxes and assessments transmitted by him to the registar of arrears.

Powers of.

§ 2. The said collector shall have the same powers as the collectors in several the towns in this State, not inconsistent with this act. It shall not be necessary for the collector to call personally or by deputy upon the persons taxed in the annual tax-rolls and demand the taxes, in case where such taxes are for real estate, nor shall it be necessary for him to levy any such tax upon real estate by distress and sale of the goods and chattels of the person who ought to pay the same; but he shall upon receiving such annual tax-rolls, cause a notice to be published for thirty days in the corporation newspapers of the said city that the said tax-rolls have been completed and the warrant for the collection of the taxes delivered to him, and that all persons are required to pay their taxes at his office without delay under the penalties of the law. He shall annex to such notice, and publish therewith, a copy of the tenth section of this title. He shall publish a like notice immediately after the warrant for the collection of any assessment shall have been delivered to him. He shall also, within twenty days after said assessment list and warrant

Notices to be published by.

Bills to be left at residences of persons charged with assessments.

* Common Council authorized to fix salaries, Laws of 1877, Chap. 469

shall be delivered to him, cause bills of the several amounts therein assessed to be served personally or left at the places of residence of the persons charged with or liable to pay such assessments, if residents of the city, and if not residents he shall cause bills to be sent to such persons by mail, addressed to their reputed places of residence.

Renewal of official bonds of.

§ 3. If any person who shall have become surety for the collector shall, by notice in writing, to be served on the mayor or city clerk, require the said collector to renew his official bond, such person shall be discharged from all future liability as such surety from and after the settlement of the accounts of the collector for moneys received prior to such discharge, who shall be required to make such statement within thirty days after notice from the common council to that effect.

Two per cent. to be added to tax roll, for expense of collection.

§ 4. There shall be added to and included in every tax and assesment levied and assessed in the city of Brooklyn the sum of two per cent upon the amount of such tax and assessment for the expense of collection, which, together with the amount to be added for neglect to pay within the time specified in the warrants of the collector, as hereinafter provided, shall be for the use of said city.

Penalty for conversion of moneys by collector or deputy, etc.

§ 5. If any collector or deputy collector shall convert to his own use in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan in any way, or shall deposit elsewhere than in the city treasury, any portions of the moneys or checks received or collected by him as such collector or deputy collector, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys or checks as shall be thus taken, invested, used or loaned or deposited, which is hereby declared to be a felony punishable by imprisonment in a State prison for a term not exceeding five years. If such collector shall retain in his possession for more than one business day any moneys received by him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of five hundred dollars for every business day during which such moneys are retained by him.

When supervisors to deliver assessment rolls and warrant for collection of taxes, to collector, etc.

§ 6. The supervisors of the county of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the collector on or before the first day of December in each year, and shall also deliver to the comptroller a copy of such rolls; and the common council shall cause every assessment roll made for any improvements

TITLE VII.

in said city, or fair copies thereof, with a warrant for collection to be delivered to said collector, within ten days after the same shall be finally confirmed, and also deliver to the comptroller a copy of such roll. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the president of the department of city works and the corporation council, which certificate shall be indorsed upon or annexed to the assessment roll, and shall be presumptive evidence as to the regularity of the proceedings.

The collector of taxes and assessments to furnish abstract of each assessment for local improvements.

§ 7. The collector of taxes and assessments is hereby directed to prepare an abstract of each of the assessments for local improvements, the amount of which is directed by law to be included in or collected with the general taxes; showing first the amount of the respective assessments upon such parcel of land assessed, less any amount paid thereon; secondly, the instalments which are to be collected in each year upon each lot, with interest added in those cases in which the interest is collected, and he shall furnish to the comptroller a duplicate of such abstract.

Collector may receive total amount assessed, at any time.

§ 8. The collector of taxes and assessments aforesaid is authorized to receive the total amount of said assessment upon any piece or parcel of land at any time before the time fixed for the complete payment thereof, with interest thereon to the time of payment, and any defaults accrued thereon, and upon such payment shall cancel such assessment upon the piece or parcel of land the assessment upon which is so paid.

Warrants for collection of tax and assessments.

§ 9. All warrants for the collection of taxes and assessments, in addition to any other signatures required by law, shall be signed by the mayor and comptroller, and all warrants for assessments shall be under the corporate seal of the city attested by the clerk, and all warrants for taxes and assessments shall require the collector to collect, within one year from the date thereof, from the several persons named in the roll and lists annexed thereto, the several sums mentioned in the last columns of such roll opposite to their respective names, and to pay the same to the treasurer, as hereinbefore provided, and to render detailed account thereof to the comptroller; and these warants shall not be renewed, except in cases where the collection has been stayed by any legal proceedings, and in such cases the common council shall have power, after the cessation of such stay, to cause new warrants to be issued to the collector for the full term of one year, as if no previous warrant had been

issued. This provision shall apply to all cases where the collection has been or hereafter may be stayed by any legal process or proceedings. The warrant shall also require him, upon the expiration of one year from the date thereof, to make a return of all uncollected items to the registrar of arrears.

Allowance to be made on taxes paid before thirty days.

§ 10. On all taxes or assessments which shall be paid to the collector before the expiration of thirty days after the warrant for the collection of the same shall have been delivered to him, an allowance shall be made to the person or persons making such payments, at the rate of seven and three-tenths per centum per annum for the unexpired portion thereof, and the amount of such allowance shall be credited to the account of the collector and charged to the account of the revenue fund. On all taxes and assessments paid to him after the expiration of thirty days from the date of the warrants, one per cent shall be added, at the expiration of sixty days two per cent shall be added, and one per cent additional for every thirty days thereafter until such tax or assessment shall be paid.

One per cent. to be added after thirty days.

Bills rendered after January 1, 1875, what to contain.

§ 11. In every bill rendered by the collector of taxes and assessments after the first day of January, eighteen hundred and seventy-five, for taxes upon lots from which any arrears of assessments, taxes and water rates shall be due, or which may have been sold and be yet redeemable, there shall be ruled a column headed "Notices," in which the said collector shall cause to be written opposite the ward numbers of the lots the word "arrears," or "sold," according to the entries in the assessment rolls headed "Notices," and at the foot of every such bill there shall be printed the following words: "The entries in the column headed 'Notices' indicate that the lots referred to have been sold for arrears, or are to be sold therefore; arrears to be paid and lots redeemed at the office of the registrar of arrears." Any omission in any tax bill of such entry in the column headed "Notices" of the words "arrears" or "sold," as above required, shall have no other effect than to postpone the time of sale of the property represented by the ward number opposite which the entry shall have been omitted, in case of arrears, for the further term of one year, and in case of property sold, to extend the time of redemption two years; but no such bill shall be considered evidence of such omission unless actually paid and duly receipted.

Provision of law as to a rebate to apply only to certain assessments.

§ 12. Any provision of existing laws which authorize a rebate of two and one-half per cent, or other rate, upon any assessment, upon payment thereof within thirty days from the time it is payable, shall be applicable only to assessments confirmed prior to the passage of this act.

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Account of unpaid taxes.

§ 13. If any of the taxes mentioned in the rolls annexed to the warrants shall remain unpaid at the expiration of one year from the time said warrants shall be delivered to the collector, and he shall not be able to collect the same, he shall deliver to the comptroller an account of the taxes so remaining due, with an affidavit that the same is a true account of the taxes remaining unpaid, and that he has not been able, upon diligent inquiry, to discover any goods and chattels belonging to or in possession of the persons charged in said rolls for personal taxes, whereon to levy the amount of such personal taxes, he shall be credited by the comptroller with the amount thereof, and if any of the assessments mentioned in the assessment rolls annexed to the warrant for the collection of assessments for benefits shall remain unpaid at the expiration of one year from the time said warrant shall have been delivered to the collector, and he shall not be able to collect the same, he shall deliver to the comptroller an account of the assessments so remaining due, with an affidavit, as hereinafter mentioned.

Upon making affidavit, collector to be credited with amount of unpaid taxes.

§ 14. Upon affidavit being made before the comptrolelr, or before any other person authorized to administer oaths in the county of Kings, by the collector to whom any warrant for the collection of any assessments shall be delivered, as aforesaid, or his deputy, that the sums mentioned in any such account of assessments rendered to the comptroller by him remain unpaid, and that he has not been able to collect the same, and that within twenty days after the warrant for the collection of the same had been placed in his hands he caused a bill to be served personally on or left at the place of residence of the person or persons charged with or liable to pay such assessment, if a resident of the city; if not a resident of the city, that he had deposited such bill in one of the post-offices in said city, addressed to the person or persons assessed, at his, her or their last reputed place of residence, which bill contained the name or title of the improvement, the name of such person, the amount due from such person and the time when the warrant would expire; such collector shall be credited by the comptroller with the amount of said account.

Duty of present collector of taxes to prepare statement, etc.

§ 15. The present collector of taxes and assessments shall immediately, and within ninety days after the passage of this act, cause to be prepared and furnished to the registrar of arrears a statement of all moneys theretofore received and then remaining in his hands or under his control, for the redemption of property sold for unpaid taxes or assessments, giving the dates when received, and the names of the owners or other persons from whom, or on whose account and behalf the same was received, together with a

brief description of the property sold, the dates when sold, and the names of the purchasers thereof. The said statement shall be signed by the said collector of taxes and assessments, and verified by his oath to the effect that the same contains a full and true account of all sums of money heretofore received by said collector of taxes and assessments for such redemptions which have not been duly paid over to the purchasers of such property or their representatives. The said collector of taxes and assessments shall, at the time of rendering such statement to the registrar of arrears, pay over the amount of such redemption money so remaining in his hands, or under his control, to the treasurer, taking his receipt therefor, which shall, on the same day, be filed in the comptroller's office.

To be signed and verified.

To pay over money.

§ 16. The said present collector of taxes and assessments shall also cause to be prepared and furnished to the registrar of arrears, within ninety days after the passage of this act, an account of all property which has been sold for taxes or assessments whereof the time for redemption shall not have expired. He shall also cause to be prepared and furnished to the said registrar, within ninety days after the passage of this act, a separate return, with full particulars of all items remaining unpaid on each and every assessment list which was confirmed twelve months or more before the passage of this act, and he shall thereafter, from time to time, make similar returns to the registrar of arrears of all assessments remaining unpaid as soon as they shall have been due for twelve months, and he shall, at the time of making any such return to the registrar of arrears, notify the comptroller in writing of the aggregate amount of the arrears due upon each assessment so returned, and balance in his books the accounts of all assessments upon which the items remaining unpaid are so returned, and there shall thereafter be received no payments by him, or in his office, on account of any such arrears. All arrears of assessments returned to the registrar of arrears shall be accompanied by the original abstracts of said assessments, with the warrants for collecting the same. The abstracts of and warrants for collecting assessments, which may have been fully collected, shall, together with a list of them, also be transmitted to and thereafter kept in the department of arrears.

To prepare for registrar of arrears, account of property sold for taxes, etc.

§ 17. The said collector of taxes and assessments, shall, within twelve months after the passage of this act, also cause to be prepared and rendered to the registrar of arrears, in the form as by this act prescribed, a separate account of all items of taxes remaining unpaid of the year eighteen hundred and seventy-one, and of each previous year, and shall at the same time notify the comptroller, in writing, of the aggregate amount of such arrears for each

Separate account of unpaid taxes of 1871, and previous years.

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year so returned; such accounts shall be delivered from time to time as the same shall be made up for any one year, and thereafter no payments shall be received by the said collector, or other person in his office, on account of said arrears.

Of each year within one year from date of warrant.

§ 18. It shall also be the duty of the collector of taxes and assessments to make a return to the registrar of arrears, on the expiration of one year from the date of his warrant in each year, of all items of taxes levied in the previous year remaining unpaid in his department of the previous year; and he shall, at the same time, notify the comptroller, in writing, of the aggregate amount of said arrears so returned and due from each ward, and thereupon extend the said items in the tax rolls into the column headed "arrears," and balance on his books the accounts of the taxes of that year. After such return of arrears shall have been made to the registrar of arrears, no payment shall be received on account thereof by the collector of taxes and assessments; but he may, nevertheless, and it shall be his duty to certify to the registrar of arrears any omissions or overcharges which may have been made in any such return to him, which shall, upon such certificate, be duly added or canceled by said registrar; provided, however, that no such amount shall be canceled or remitted after the same has been once settled.

TITLE VIII.

OF THE DEPARTMENT OF ARREARS.

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Department of arrears, registrar of, etc.

SECTION 1. There shall be a department to be designated the department of arrears, the chief officer of which shall be called the "registrar of arrears," and shall receive a yearly salary of five thousand dollars.* All the duties heretofore required by law to be performed by any city officer, or department, in relation to advertising, selling and leasing property for unpaid assessments, taxes and water rates, and the redemption of property sold therefor, shall hereafter be performed by said department of arrears.

Appointment of.

§ 2. Within ten days after the passage of this act, the collector of taxes and assessments of the city of Brooklyn shall appoint a suitable person as registrar of arrears, and in case such appointment shall not be made by said collector within thirty days after the passage of this act, such appointment shall be made by the comptroller, who shall perform the duties specified in this title until the first day of July, one thousand eight hundred and seventy-five, or until his successor shall have been appointed and duly qualified. In the month of June, one thousand eight hundred and seventy-five, and every two years thereafter, the mayor shall nominate, and with the consent of the board of aldermen, appoint, a proper person to be registrar of arrears, who shall possess the powers and perform the duties of the registrar prescribed by this act.

Collection of unpaid taxes and assessments, when to be made.

§ 3. Whenever any assessments, taxes or water rates shall remain unpaid for one year from the time the lists and rolls thereof were delivered to the collector of taxes and assessments, or to the registrar of water rates, and said lists and rolls, with accounts of unpaid items thereof, shall have been transmitted to the registrar of arrears, he shall proceed to collect all amounts so remaining unpaid, together with the default and interest due and chargeable thereon, and he shall possess all the powers in relation thereto as are conferred upon the collector of taxes and assessments by the second section of the seventh title of this act; and after any such amount shall have remained unpaid for two years from the date of delivery of the several rolls, lists and warrants to the collector of taxes and assess-

Powers of collector.

* Common Council authorized to fix salary. Laws of 1877, chap. 469.

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Registrar of arrears to publish list and notice of tax sale in case of non-payment.

ments and the registrar of water rates, it shall be the duty of said registrar of arrears to cause lists thereof, signed by him, to be printed in the corporation newspapers which shall contain a notice requiring all such unpaid assessments, taxes and water rates, with interest and expenses due and chargeable thereon to be forthwith paid to said registrar at his office, or that in default of such payments on or before a day to be therein designated, which shall not be less than twelve weeks from the date of such notice, the lots and premises subject to the liens thereof, will be offered for sale at public auction according to law, such lists shall then describe the lot and premises subject to the liens aforesaid, specifying the ward numbers thereof, if there be any; also the street, avenue or road on which it fronts, on which side thereof, and between or near what streets it is situated, together with the name of the person to whom the same was assessed or taxed, and the name of the reputed owner or occupant if known to said registrar. He shall also re-advertise and offer for sale all property heretofore offered for sale for unpaid taxes, assessments, or water rates, and remaining unsold; and shall also re-advertise and sell all property which should have been advertised and sold under the provisions of law, and which has not in fact been so advertised and sold; such advertisement and sale to be of the same force and effect as if made at the time legally prescribed therefor.

Affidavit of publication.

§ 4. Every printer by whom any such notice shall be published shall, within ten days after the last publication thereof, deliver to the registrar, signing his name, an affidavit of due publication, made by some person to whom the fact of publication shall be known.

Tax sale.

§ 5. If any such tax for general purposes or assessment for benefit, or for water rate, shall remain unpaid on the day specified in said notice, the said registrar shall proceed to sell, by public auction, at his office, the property on which said tax or assessment for benefit, or for water rates, shall have been imposed for the lowest term of years, for which any person will take the same and pay the amount of such tax or assessment for benefit, or for water rates, with the interest and expenses; and he shall continue the sale from time to time, until all such lands shall be sold. The said registrar shall make it an absolute condition with all persons purchasing at such sale, that payment be made within forty-eight hours after the close of the sale of each day, and it shall not be sufficient for him to receive any sum or sums in part, but all moneys received by him must be in full payment of the tax or assessment for benefit, or for water rates, together with the interest and expense

Payment to be made within forty-eight hours.

which shall have accrued thereon at the date of such payment; provided that, for purchases made by the city, payments shall be made as directed by the common council, or in default thereof, as the comptroller shall determine. Any neglect, failure or refusal on the part of any purchaser or purchasers to comply with this condition (which shall be read by the registrar at the time of commencing the sale each day) shall render such sale void and of no effect; and it shall be the duty of the registrar, on the first day to which the sale shall have been adjourned, to resell the same, upon the same terms and conditions as hereinbefore provided; and until such resale has been effected, any person owning such property shall have the right to redeem the same as though no sale had been made. Any registrar who shall knowingly make or cause to be made any false record in relation to the terms of sale, or any false record of the transactions at such sales, or shall refuse to allow the person or persons entitled to redeem any property so sold to redeem the same as herein provided, shall, in addition to the forfeiture of his office, be deemed guilty of a misdemeanor. The registrar shall deliver to the purchaser complying with the terms of any such sale a certificate of such sale, and note the same on account of unpaid taxes and assessments for benefit or for water rates, and also on the original tax or assessment rolls and lists, and on the abstracts hereinbefore directed to be kept in his office. Such certificate of sale shall be recorded in the registrar's office, in proper books to be kept for that purpose, and shall, from the time of sale, constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in the office of the registrar of arrears.

On failure to comply with conditions of premises to be re-sold.

Penalty for making false record.

Certificate of sale.

To be recorded.

§ 6. No owner whose deed, or in case he holds such property by descent or devise, the deed of his ancestor or devisor, shall have been duly recorded in the office of the register of the county of Kings, before the sale thereof for any tax or assessment for benefit or for water rates, and no mortgagee, lessee or assignee of either, whose mortgage, lease or assignment shall have been so recorded, shall be divested of his rights in such property by reason of such sale, unless six months' notice in writing of such sale shall have been given by the purchaser, or those claiming under him, to such owner, mortgagee, lessee or assignee, personally, if a resident in the county of Kings, or a county adjoining thereto; or if such owner, mortgagee or lessee be not such resident, then by depositing such notice in one of the post-

Owners, etc., not to be divested of title unless six months' notice of sale has been given.

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offices of said city, directed to the owner, mortgagee, lessee or assignee, at his place of residence as stated in the deed, lease, mortgage or assignment of such mortgage or lease.

Affidavit of service of notice of sale.

§ 7. Within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the registrar of arrears a copy of the notice served, together with the affidavit of the person serving the same, proving the due service of said notice; the six months' notice required in the preceding section shall be deemed and held to commence from the time of filing such proof of service of said notice.

Redemption by owner, etc.

§ 8. The owner, mortgagee, or any other person interested in such land, may, at any time within two years after the sale thereof, for any unpaid tax or assessment, for benefit or for water rates, and before the expiration of the notice mentioned in section six of this title, and before a conveyance shall have been made as provided in the tenth section of this title, redeem said lands by paying to the registrar of arrears, for the use of the purchaser thereof, or his assigns, the said purchase-money, together with any subsequent assessment for benefit or tax, or for water rates, which the said purchaser may have paid, chargeable on said land, which he is hereby authorized to pay, provided a notice of such payment shall have been filed in the office of the registrar, with interest at the rate of fifteen per cent per annum in addition thereto, and also two dollars for each notice given to any owner, mortgagee or lessee of a longer term than three years, provided due proof of such service of notice shall have been filed in said office; and provided further, that the whole amount paid for the service of said notices shall not exceed the sum of six dollars. The certificate of said registrar, acknowledging the payment and showing what land, and on account of what tax or assessment for benefit or water rates such payment is intended to redeem, shall be evidence of such redemption. Such redemption shall discharge the land described in said certificate from the lien created by the assessment for benefit or tax or for water rates, in respect of which such sale shall have been made, or by such sale or certificate, and all proceedings in relation to such sale shall cease. If said moneys shall not be paid according to said notice, such registrar shall proceed to execute a conveyance of the property so sold, as hereinafter provided.

Evidence of.

When certificate to be issued in case owner is an idiot or insane.

§ 9. Whenever such registrar shall receive satisfactory information that the land as sold belongs to an idiot or insane person, for whose estate no committee shall have

been appointed, or to an infant having no guardian, he shall not execute a conveyance of their lands until at least one month after he shall have legal evidence that such disability has been removed, or a committee or guardian of the estate has been appointed. And until the expiration of said month such committee or guardian may redeem such land in the same manner as hereinbefore provided.

Conveyance.

§ 10. The registrar shall execute to the purchaser, or his assigns, pursuant to the terms of sale, when the lands sold for any tax or assessment, for benefit or for water rates, shall not have been redeemed as by this act provided, a proper conveyance of the lands so sold by him. Said conveyance shall contain a brief statement of the proceedings had for the sale of said lands, and shall be evidence of such sale and other proceedings have been regularly made and had according to the provision of this act. He shall also, forthwith, note the amount on account of unpaid taxes or water rates, or abstracts of assessments for benefit, or copy thereof, kept in his office. The grantee named in said conveyance, his representatives and assigns, shall be entitled as against all persons whomsoever to the possession of said premises, and to the rents, issues, and profits thereof, pursuant to the terms of his or her conveyance, and shall be entitled to obtain possession of the lands described in such conveyance by summary proceedings, in the same manner as is provided by law for the removal of persons who hold over or continue in possession of real estate sold by virtue of an execution against them.

What to contain.

Possession, how obtained.

Duty of Registrar in case of omission to make returns.

§ 11. In case of any omission by the collector of taxes and assessments, to make returns of unpaid taxes and assessments, and of the registrar of water rates to make returns of unpaid water rates to the registrar of arrears, as required by this act, it shall be the duty of said registrar, within ten days after the expiration of the time prescribed before which such return is to be made, to notify said collecter or registrar of water rates of such omission, who shall thereupon forthwith cause any return so omitted to be rendered.

Entries to be made.

§ 12. It shall be the duty of the registrar of arrears, immediately after the confirmation of the assessed valuations of property as stated in the yearly assessment rolls for taxes, to cause to be entered therein, in the column headed "notices," the word "arrears" or "sold," according as the fact may be, opposite to the ward numbers of lots on which any arrears of taxes or water rates shall be due, or on which any assessment shall remain unpaid, which taxes, water rates and assessments have been due,

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or which were confirmed twelve months prior to the first day of August then last past or which may have been sold for assessments, taxes or water rates, and yet be redeemable.

In "assessment register."

§ 13. Upon receiving from the collector of taxes and assessments a return of unpaid assessments, as provided in the sixteenth section of title seven of this act, it shall be the duty of the registrar of arrears, without delay, to cause to be entered in books to be kept in this office, labeled "Assessment Register," the titles of such assessments, with dates of their confirmation, also the items due thereon, stating the ward numbers of the lots subject to the lien thereof, names of owners, and the amounts of such unpaid assessments. Besides a column headed "Amount," said assessment register shall contain four other columns headed respectively as follows, viz.: "interest collected," "total amount," "when paid or sold," "cash book volume , folio ." As collections are made by said registrar of arrears of assessments, he shall cause proper entries thereof to be made in each of said columns, opposite the ward numbers of the respective lots in said assessment registers.

Return of unpaid taxs, form of, etc.

§ 14. The return of unpaid taxes, to be made as provided in the eighteenth section of title seven, shall be made on sheets corresponding in size and ruling to the leaves of assessment rolls for taxes of the several wards in the office of the collector of taxes and assessments, except that the five additional columns in said rolls mentioned in section five, title ten, of this act, shall, on the sheets of said return, be headed, respectively, "water rates," "interest on water rents," "reductions and cancellations," "when paid or sold," "cash book, volume , folio ." Upon receiving from the collector of taxes and assessments such return of unpaid taxes, it shall be the duty of the registrar of arrears, without delay, to cause said several sheets thereof to be bound in volumes of convenient size, and said registrar shall thereupon cause to be duly entered in said volumes all items of unpaid water rates specified in the return of such items provided in the fifth section of the fourteenth title of this act. Said volumes respectively, shall be labeled as follows:

CITY OF BROOKLYN.

Arrears of
Taxes and water rates
of (here insert the proper year),
Due from the
(Here insert the proper ward) wards.

All items of water rates so returned to the registrar of arrears and entered in said books of arrears of taxes and water rates shall thereafter be collected in the same manner and as arrears of taxes.

Omissions in tax bills, effect of

§ 15. An omission in any tax bill of the entry in the column headed "notices," of the words "arrears" or "sold," as required in section eleven, title seven of this act, shall have no other effect than to postpone the time of sale of the property represented by the ward number opposite which the entry shall have been admitted in cases of arrears, for the further term of one year, and to extend the time for redemption two years in cases of property sold, but no such bill shall be considered evidence of such omission, unless actually paid and duly receipted.

Registrar to furnish bill of taxes, etc.

§ 16. The registrar of arrears, upon the requisition of any person, shall furnish a bill of any arrears of assessments, taxes and water rates so transmitted or returned to him; also of the amounts necessary to redeem any lot or lots sold for the like dues thereon, if it or they be yet redeemable, which shall be called a "bill of arrears of assessments, taxes and water rates, and for redemption;" and upon payment of the amount, his receipt thereon shall be conclusive evidence of such payment, and forever free the said lot or lots from all liens therein specified.

Registrar to keep books and make returns, etc.

§ 17. The registrar of arrears shall keep regular books of account, and make monthly returns to the comptroller of all accounts of assessments, taxes and water rates received by him for collection; also of all payments made by him to the city treasurer. He shall also make a daily return to the comptroller of all moneys and checks received by him, except for fees for searches, as hereinafter provided; such books and returns to be kept and rendered in such form and manner as shall be prescribed or approved by the comptroller. All moneys and checks so collected by said registrar shall by him be paid over to the city treasurer on the day of their collection, and a receipt of said treasurer therefor shall be filed in the office of the comptroller. In case of neglect or failure by said registrar of arrears for twenty-four hours to make any payment to the city treasurer, as required by this act, the comptroller shall notify the mayor thereof, who shall thereupon suspend him from office, and report the fact of such suspension to the board of aldermen, and the provision of the fifth section of title seven of this act shall apply to the registrar of arrears in like manner as they apply to the collector of taxes and assessments.

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When registrar to bid in lots for city.

§ 18. It shall be the duty of the registar of arrears at any sale of lands and tenements for unpaid taxes or water rents to bid in for the city of Brooklyn every lot and premises so put up for sale, for which no person shall offer to bid, and certificates of such sale shall be made by the said registrar of arrears to the city of Brooklyn, in the same form and manner as is prescribed by existing laws for certificates to purchasers at such sales, and all purchasers in behalf of the city of Brooklyn shall be subject to the same rights of redemption as purchasers by individuals; and if the lands and tenements sold shall not be redeemed, or shall not have been assigned, as hereinafter provided, said registrar, whenever the common council shall so direct, shall execute a lease therefor to said city of Brooklyn with the same effect as in cases of leases to individual purchasers or their assignees.

Duty of, when land is purchased for city.

§ 19. It shall be the duty of said registrar of arrears, in all cases of purchasers of lands and tenements in the name of the city of Brooklyn, to cause such notices to be served as are required to be served by individual purchasers in like cases, and he shall assign at any time after such purchase the certificate held by the city to any person who shall pay to him the amount which would be required to redeem such lands and tenements at the time of assigning said certificate.

Moneys received, how to be applied.

§ 20. All moneys received by said registrar of arrears for the assignment of purchases made as aforesaid on behalf of said city of Brooklyn, or for the redemption of any such lands and premises by the owners thereof, or other persons, also for interest and charges thereon, shall be applied to the redemption of the certificates of indebtedness mentioned in the twenty-fifth section of this title and the payment of interest thereon.

Record of sales.

§ 21. There shall be kept in the office of the said registrar of arrears a record of all sales made for assessments, taxes and water rates, which record shall show the amount of the assessment, tax and water rates, a description of the premises sold, the date of the sale, the name and address of the person to whom sold, the term of years for which such property was sold, the time of the delivery of the lease, to whom delivered and when the same will expire, also, if a certificate is assigned, the name and address of the person to whom it is assigned.

Registrar to preserve affidavits of publication, etc.

§ 22. It shall be the duty of the registrar of arrears to procure, preserve and register in his office affidavits of the publication of all the notices by this act or other laws re-

quired to be published in relation to the sale of lands and tenements for unpaid assessments, taxes and water rates, and such affidavits shall be presumptive proof of such publication in all courts in this State. The registrar of arrears, or one of his clerks, shall conduct all sales hereafter to be made for unpaid assessments, taxes and water rates, and no auctioneers' fees shall be charged thereon. Certificates of sale shall be made and delivered to the purchasers at the public sales for unpaid assessments, taxes and water rates without charge therefor. The purchaser, if other than the city or his or her assignee, at the time of receiving a lease of any lands and tenements, shall pay the sum of two dollars and fifty cents to the registrar of arrears for the use of the city.

Payment to purchaser in case of redemption.

§ 23. Upon the application of any holder of a certificate of sale, or lease of lands sold for unpaid assessments, taxes and water rates, for the payment to him or her of the moneys received by the collector of taxes and assessments, the department of city works, or the registrar of arrears for the redemption of the lands specified in said certificate or lease, it shall be the duty of the registrar of arrears to examine the case, and if found to be correct, he shall, upon the surrender of such certificate or lease, prepare and sign a check on the treasurer, in favor of the person to whom such certificate or lease was issued, or to his or her assigns, for the amount received in said case, and after procuring the counter-signature of the comptroller thereon, he shall deliver such check to the said applicant, taking a receipt for the same. All such canceled certificates of sale and leases shall be duly filed and preserved in the department of arrears.

Registrar to make searches.

§ 24. On and after the second day of January, eighteen hundred and seventy-five, whenever any person shall make application in writing to the registrar of arrears for an official search for and certificate of liens upon any lot or parcel of land in said city for unpaid assessments, taxes and water rates, or for sales thereof for assessments, taxes and water rates, the same to be accompanied by a map of such property, or other distinct description thereof, it shall be the duty of said registrar, upon the payment of his lawful fees as herein provided, to cause such search to be made, and within ten days to furnish a certificate, to be signed by the clerk who made such search, and countersigned by said registrar of arrears, which shall state all such liens, if any, existing upon such lot or parcel of property, or that there are no such liens thereon. The fees for such searches and certificates shall be two dollars for each parcel of land, and shall belong to said registrar of arrears, who shall, out of

Fees for

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his own means, compensate the clerks employed by him in making and preparing the same, and he shall, together with the sureties upon his official bond, be responsible to all persons requiring such searches to be made, and certificates thereof to be furnished them.

Comptroller to issue tax certificates.

§ 25. To provide the money required to pay for the parcels purchased by the city under this title, the comptroller is hereby authorized and directed to issue, from time to time, as may be necessary, certificates of indebtedness, which shall be called "tax certificates," and shall bear interest not exceeding the rate of seven per cent. per annum, and be payable at the office of the comptroller at some date not longer than three years. They shall be signed by the comptroller and mayor, and countersigned by the city clerk, under the seal of the city; but such certificates shall not be issued for an amount exceeding the amount required to pay for such parcels purchased by the city as hereinbefore provided. If the amounts paid for redemption of parcels purchased by the city shall be insufficient at any time to meet tax certificates falling due or interest on same, other tax certificates shall be issued to meet such deficiency.

Registrar to furnish comptroller statement of uncollected taxes.

§ 26. On or before the first day of July, in each year, the registrar of arrears shall furnish to the comptroller a statement of all items of taxes on personal property which he may have been unable to collect, also all items of taxes on lands imperfectly described, with an affidavit of like tenor, as is required to be made by the collector of taxes and assessments in section fourteen, title seven of this act, and, if the statement shall be found correct, the comptroller shall credit the account of such registrar with the amount and charge the same to the account of deficiencies in taxes in the several wards, and shall cause such amount to be inserted in the next annual tax levy following.

Assignment of lien by registrar.

§ 27. In case any land offered for sale by reason of the non-payment of an assessment for any local improvement is not sold as provided by law, after and for the period of two years from the time it was first offered for sale for any term of years whatever, the registrar of arrears shall be and he is hereby authorized to assign and convey the lien which the said city has by virtue of the said assessment upon several pieces or parcels of lands to any person who will pay to the said city the amount of said assessment, with all interest, defaults or other charges thereon, whether for advertisement, or otherwise; but no such assignment or conveyance shall be made until six months after the passage of this act. And it shall be the duty of the registrar to

give persons having prior title to such property, by tax or assessment sale, preference in taking such assignment in such manner, that those holding under such sale shall be preferred to all persons claiming under an earlier tax or assessment.

Assessment to be liens.

§ 28. Every assessment for local improvement heretofore assessed and levied, or hereafter to be assessed and levied by said city, or the competent authorities thereof, upon any lands or premises therein situated for any local improvement, is hereby declared to be, and made a lien on such land and premises, superior to, and prior in right and effect to all former assessments for taxes or water rates laid thereon, and prior to all other charges thereon, whether by judgment, mortgage or otherwise, and such liens shall not be deemed to be proceedings against the person of the owner, or other person interested in the premises, but shall be held to be proceedings against the land and premises only, and it shall not be necessary to state the name of the owner, or other person interested in the land so assessed.

Assessments legalized.

§ 29. All such assessments shall be presumed to be valid and legal in form and effect, and the record of the confirmation of any such assessment by the board of assessors, or other competent authority (upon whom is devolved the duty of apportioning, or, in the first instance, laying such assessment), together with a proper record of the action of the common council in laying such assessment and in issuing a warrant for the collection of the same, shall be full and ample proof in all courts and before all tribunals of any such assessment and of the validity thereof.

What assignment of lien to state.

§ 30. The conveyance and assignment of such lien to be given as hereinbefore authorized shall state and recite the amount of such lien (which amount shall include the interest, defaults and charges thereon), the date when said premises were first offered for sale, and shall recite the fact of the confirmation and levying of the assessments, and issuing the warrant for the collection of the same, with all convenient certainty, and shall describe, with reasonable particularity, by metes and bounds, the lands and premises so conveyed. Such conveyance shall be termed and designated "conveyance of assessment lien," and shall be prima facie evidence of the facts therein recited, but no defects in the form or substance of the recitals or statements therein contained shall be deemed to invalidate the title of such liens so conveyed, but such defects shall only effect such conveyance so far as its recitals are hereby made evidence.

Liens, how foreclosed.

§ 31. All such liens may be foreclosed by action, in the same manner and with the like effect as mortgages are now

TITLE VIII. provided by law to be foreclosed, and not otherwise, and all provisions of law relative to the foreclosure of mortgages and the effect thereof shall apply to such foreclosures, but no fees for a referee or sheriff on the sale of the lands or premises affected shall, in any case, exceed twenty-five dollars, and the costs and disbursements chargeable in any such action shall not, in any case exceed the amount of such lien, and shall not be a charge against the person, but only a charge against the property affected; but in case such action is defended by any of the defendants, judgments for costs of the proceedings made by such defense may be given against the defendants so defending, and no others, as are now provided by law. In case the premises affected by the assessment lien consists of more than one lot upon the assessors' map of said city, or in case such property is so situated that a part thereof can be sold separately, the decree to be entered shall provide that it be sold in lots by the assessment map, or in parcels, not exceeding twenty-five hundred feet in superficial area, as the same may be divided most advantageously, but no more of such lots or parcels shall be sold in any case than sufficient to satisfy such decree.

Sale, when to be made.

§ 32. No sale shall be made under a decree in any such action in less than six months after the entry and filing of the decree, and prior to such sale the owner, or any other person having an estate in or lien on such premises (other than by tax or assessment sale) may redeem such premises; but in case personal service shall not be made on any owner or person having a freehold estate in such premises, or any person having a mortgage of record on such premises, the time to redeem of such owners or persons having a fr 3 hold estate or mortgage shall be one year after the entry of the decree, and in such case sale shall not be made under such decree in less time than one year after the entry of such decree.

Redemption, how made.

§ 33. Such redemption may be made by tendering and paying the amount of such lien and interest thereon at the rate of fifteen per cent. per annum, and all costs and charges in such action incurred, and for the purposes of such redemption any party may have such costs taxed at any time, and prior to judgment, upon giving notice, as now provided by law for the taxation of costs.

Subrogation of parties interested.

§ 34. Prior to judgments in such actions, all parties interested in the premises, by tax, assessment or other title, may apply to and be subrogated to the rights of the plaintiff, as now by law provided in actions to foreclose mortgages, and in all motions or proceedings made in such ac-

tions to be allowed to be subrogated to the rights of the plaintiff, all tax and assessment sales and leases and certificates thereon shall be held and deemed to be valid, and the title or estate thereby conveyed good and perfect, as thereby stated or recited.

Copy sections to be annexed to summons.

§ 35. The summons in every action and every copy thereof which may be delivered or served, shall have a written or printed copy of the last four preceeding sections of this title, written or printed thereon, stating that the same are extracts from this law, which shall be designated and described by the number of its chapter in the laws of eighteen hundred and seventy-three, together with a notice that such lien may be redeemed at a place in the county of Kings to be therein named, (at which place a redemption or offer to redeem shall be valid and effectual), but such place may be changed within said county by order of the court, duly entered and filed in such action.

Effect of foreclosure.

§ 36. No such foreclosure shall, however, have the effect to cut off, or in any way render invalid any assessment or tax on which sale has not been made nor to invalidate any tax sale held by the city, but all such prior sales may be redeemed by the purchaser under any such foreclosure at any time.

In case of assignments when lien may be foreclosed.

§ 37. Whenever any such foreclosure and sale shall be made the city shall be deemed to be and shall be relieved forever from any claim or demand, for or on account of its agreement to return any sum received on any former sale, by reason of the former title being defective, but the title of such former purchaser shall be cut off, unless such purchaser shall defend and succeed in such action, or shall be subrogated to the rights of the plaintiff as herein provided; and while any such action shall be pending, the right to the return of such sums paid on prior sales shall be suspended.

When assessment to be valid.

§ 38. In case such lien shall be assigned and conveyed as hereinbefore provided after the property affected has been duly exposed for sale, but prior to the expiration of the period of two years, such lien may not be foreclosed until such two years shall be fully expired, and the title conveyed by such conveyance shall not be otherwise affected by such irregularity. Such "conveyance of assessment lien" may be redeemed at all times prior to the commencement of an action to foreclose the same, or at any time when no such action shall be pending or judgement in force, by paying the amount thereof and all interest thereon as by law provided, at the rate of fifteen per cent per annum.

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§ 39. No assessment of such "conveyance of assessment lien" shall be valid unless a record of such assignment is made in the office of the registrar of arrears, in the same manner as records of assignments or certificates of sale for taxes or assessments are required to be made.

Action, when to be deemed commenced.

§ 40. No action to foreclose such a lien shall be deemed to be commenced or judgment given therein, unless a notice of the commencement thereof shall be filed in the office of the registrar of arrears; but this section shall not be deemed to render unnecessary the filing of a notice of the commencement of the action in the office of the county clerk of the county of Kings.

Amount of interest on money invested at tax sales.

§ 41. It shall not be lawful for the purchaser of any property that may have been or may hereafter be sold for unpaid taxes, assessments or water rates, to charge or receive more than ten per cent. per annum interest upon the money which said purchaser may have paid for such property and taxes, nor more than fifty cents for each notice now by law required to be served by such purchaser upon the owner, mortgagee, lessee or assignee of such property so bought.

TITLE IX.

DEPARTMENT OF LAW.

SEC. 1. Corporation counsel, appointment and duties of, ect.—Salary.
2. To examine titles, etc.
3. To commence actions for fines, etc.

Corporation counsel, appointment and duties of, etc.

SECTION 1. At the first meeting of the board of aldermen in January, in the year eighteen hundred and seventy-five, and every two years thereafter, the mayor shall nominate, and with the consent of the board of aldermen appoint a proper person to be the attorney and counsel for the corporation, who shall be the head of the law department. He shall have the management, charge and control of all the law business of the corporation and the departments thereof, and all the law business in which the city shall be interested, except as hereinafter otherwise provided; draw all leases, deeds or other legal papers for the city, and shall be the legal adviser of the mayor and common council and the several departments of the corporation. He shall have the charge, management and control of, and shall conduct all proceedings necessary in opening, widening, altering or closing streets, avenues, parks, roads or lanes, and all other local improvements of the same kind; and shall make all searches and abstracts of title required in opening, widening or extending any street, avenue or square; and he shall have the power and authority, with the consent of the common council, from time to time during his continuance in

office, to authorize an attorney or other person to appear for him, in his name, for and on behalf of the said corporation, and conduct and defend suits and proceedings in all courts and places. He shall receive an annual salary of ten thousand dollars* in full for all services rendered and performed by him for the corporation, including fees arising or which may accrue on any proceedings for any local improvements or otherwise; all which fees and all fines and penalties by him received, shall be paid over monthly under oath, to the treasurer, and an account thereof rendered to the comptroller. Salary.

§ 2. No deed of cession of any street or parts of streets, avenues, lanes, roads or parks shall be accepted by the said common council until the title to the parties ceding the lands on the same shall have been examined and ascertained by the said attorney and counsellor, and shall report to the common council such fact in writing; the fees and expenses thereof to be paid by the arties executing the deed of cession, which said fees and expenses shall be paid into the treasury for the use of the city. To examine titles, etc.

§ 3. It shall be the duty of the attorney and counsel to commence all actions for fines, damages and penalties for the violation of any provisions of this act, or of any of the ordinances of the city of Brooklyn. All moneys collected or received by him in any such action he shall, on the same day that he receives them, pay over to the treasurer. To commence actions for fines, etc.

TITLE X.

OF THE DEPARTMENT OF ASSESSMENT.

SEC. 1. Assessors.
2. Appointment of—Terms of office of—Salary.
3. Powers of board of—Ward maps.
4 Assessments, lots how designated in.
5. Rolls, how ruled.
6. Interest to be included.
7. Personal property—Value of—how determined.
8. Assessment, when to be completed.
9. Review of.
10. Errors, rectification of.
11. Apportionment of tax to be made on application of parties interested.
12. Right of action to recover for taxes paid by mistake.
13. Refunding duplicate payments.
14. Redemption in case of separate interests.
15. Proceedings in case of assessments void for irregularity.
16. Expense and damages—Payment of in certain cases.

SECTION 1. There shall be a department of assessment, to consist of a president and nine assessors, who shall constitute the board of assessors of the city of Brooklyn. Assessors.

§ 2. Within twenty days after the passage of this act, the comptroller and auditor of the city of Brooklyn shall meet in the comptroller's office and appoint a proper person to be president of the board of assessors, and three as- Appointment of.

* Common Council authorized to fix salary, Laws of 1877, Chap. 469.

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sessors, who together with the six assessors in office on the first day of May, eighteen hundred and seventy-three, shall constitute the board of assessors. The assessors in office on the first day of May, eighteen hundred and seventy-three, shall serve out the terms for which they were respectively appointed. The term of office of the president and all assessors hereafter appointed shall be three years from the time of their appointment, and until their successors shall have qualified. All appointments to fill vacancies occurring in the board of assessors, after the passage of this act, shall be made by the mayor with the consent of the board of aldermen. The president shall be the head of the said department; he shall preside at all meetings of the board, and in his absence the assessors may appoint a president pro tempore. The salary of the president shall be five thousand dollars, and that of each assessor four thousand dollars per annum.* The said assessors shall make out the assessment lists and rolls for local improvements and taxes, and perform such other duties as may be required of them under the direction of the president.

Terms of office of.

Salary.

§ 3. Said board of assessors shall have power, and it shall be their duty, to make all assessments for taxes and local improvements, except for sewers in the city of Brooklyn in the manner by this act or other laws provided, and all provisions of law now applicable to the assessors of Brooklyn, or towns in this State, in relation to assessments for taxes in said city, are hereby declared to apply to the assessors to be appointed under this act. The ward maps made, or to be made, shall continue to be in the custody of said board of assessors, and all assessments shall refer to said maps, except in cases where they do not exist; and where a portion of any lot of land laid down on said maps shall be taken for any improvement, the residue shall be deemed liable to be assessed for such improvement; and land occupied by a person other than the reputed owner may be assessed in the name of the occupant.

Powers of board of.

Ward maps.

§ 4. In all assessments of lands and tenements hereafter to be made, whether for benefits from local improvements, or the opening, widening and extending of streets, avenues, squares, parks and places, also for water rates, in addition to the known street numbers, if there be any, the same ward or block numbers shall be used to designate the lots as are or may be used to designate them in assessments for taxes, and no other numbers shall be necessary, except where no ward or block numbers exist. In case ward maps do not exist for any ward or wards, or portions thereof,

Assessments, lots how designated in.

* Common Council authorized to fix salaries, Laws of 1877, chap. 469.

the common council shall, as soon as they shall deem it advisable, cause the same to be made. In every assessment for a local improvement, there shall be added two per cent for assessors' fees for the benefit of the city.

Rolls, how ruled.

§ 5. There shall be ruled in the yearly assessment rolls, for taxes in each ward, five additional columns, which shall be headed respectively as follows, namely, "amounts received," "cash book, volume , folios ," "reductions and cancellations," "notices," "arrears." These columns shall be used in the manner and for the purposes specified in this act.

Interest to be included.

§ 6. There shall be included in every assessment for local improvements hereafter made and confirmed, such amount as may be necessary to re-imburse to the city the interest upon all advances made in executing such improvements; such interest always to be computed to dates three months subsequent to the times of confirmation of such assessments respectively, and the amounts so included in assessments for interest, as well as the amounts collected for interest on assessments, shall be appropriated and applied to the payment of interest on the city bonds issued, on account of the improvements, for which such assessments were levied, and it shall be the duty of the board of assessors, within three months after the amount of an assessment shall have been determined, to apportion the same upon the property benefitted, and to return the lists thereof to the common council for confirmation.

Personal property, value of how determined.

§ 7. In determining the value of personal property to be assessed for taxes, the assessors shall have the power to examine, upon oath, every person whom they shall believe ought to be assessed for such property, and shall also have power to examine, under oath, such other persons, as witnesses, in relation thereto, as they may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before them. Any person who shall refuse to make, under oath, a full disclosure of all the facts necessary to enable the assessors to make a fair and just assessment of his or her personal property, when duly called upon by the assessors to do so, or to answer such questions as may be put to him or her in relation thereto, shall be assessed a gross sum, which in their judgment will be to the full amount of his personal estate, and shall forfeit for one year all the rights and privileges given by this act, or by the laws for the assessment and collection of taxes to persons aggrieved by erroneous or excessive assessments. It shall be the duty of the board of assessors to cause circular notices to be sent through the post-

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office, or otherwise, to all persons and corporations assessed by them for personal property, stating therein the amount assessed, also the time during which and the place where applications may be made for the correction of such assessments, if the same be erroneous. All such notices shall have printed on them the provisions of this act relating to assessments of personal property.

Assessment, when to be completed.

§ 8. They shall make up and complete, by the first day of June in each year, their valuations of taxable property in the several wards, as estimated and assessed by them, and the assessed valuations of real and personal estate so made shall be entered in detail in books kept by said board, called "Annual record of the assessed valuations of real and personal estate," which books shall be kept open for examination and correction until the first day of July, when they shall be closed. During the time said books shall be open, said assessors shall give due notice thereof as required by law, and during that time application may be made by any person aggrieved by the assessed valuation of his or her real or personal estate to have the same corrected. In case such application be made in relation to the valuation of real estate, it must be in writing, stating the ground of objection thereto. If in relation to personal property, the applicant shall be examined upon oath.

Review of.

§ 9. It shall be the duty of the said assessors to attend during such examination, and review and to make corrections in the descriptions of property and in the assessed valuations thereof, if in their judgment the same are erroneous. The said assessors shall cause to be prepared from the said "books of annual record," after the same shall have been duly corrected, assessment rolls or tax books for each ward of said city respectively, which shall be duly sworn to by at least two of the assessors, according to the oath provided by law in regard to assessment rolls in the different towns of this State, and further, to the effect that they have together personally examined, within the year past each and every lot or parcel of land, house, building or other accessible property, and such assessment rolls or tax books shall, on or before the first day of August, be delivered to the board of supervisors of Kings county, which board shall proceed thereon in the manner required by law for the laying and collection of taxes.

Errors, rectification of

§ 10. The board of assessors shall have power to rectify any errors committed in the laying of any tax or assessment, as well for general purposes as for any local improvement, only in the following cases:

1. When the error is entirely clerical.

2. When there is a mistake in the name of the party taxed or assessed.

3. When the quantity of the real estate, or nature of the buildings and improvements thereon shall be erroneously given.

4. When the personal estate shall be over-estimated, and the party assessed shall have been prevented from inspecting the assessment rolls, by sickness or absence from the city, during the said time the same were open for examination and correction.

5. When the property has been assessed that was by law exempt from tax, at the time the assessment was laid. Such power shall be exercised only upon satisfactory proof of error, but no correction shall be valid until it shall have been certified to by the comptroller, and the collector of taxes and assessments, and duly entered, in red ink, in the assessment list or lists in the department of collection.

Apportionment of tax to be made on application of parties interested

§ 11. If a sum of money in gross has been or shall be taxed for general purposes, or assessed for any city improvement upon any lands or premises, any person or persons claiming to be interested in any divided or undivided part thereof, may pay such part of the said sum, also of the interest and charges due or charged thereon, as the board of assessors may deem and certify to be just and equitable, and the remainder of the sum of money so taxed or assessed, together with the interest and charges, shall be a lien upon the residue of the lands and premises only, which may be sold according to law to satisfy the residue of such assessment, tax, interest and charges, in the same manner as though the residue of said assessment and tax had been imposed upon the residue of said lands or premises. It shall be the duty of the said board of assessors to make any such appointment upon application by any person interested, accompanied by a diagram of the property, showing the true limits and extent of the interest of such applicant, and all such apportointments shall be recorded in the office of said board, and also noted in red ink on the assessment rolls or assessment registers in the department of collection or in the department of arrears.

Right of action to recover for taxes paid by mistake.

§ 12. Any person who shall, by reason of any mistake by himself or his agent, pay a tax or assessment for water rates or for benefit upon real estate belonging to another person or persons, shall have a right of action to recover in

TITLE X.

any court having jurisdiction, from the party owning the real estate at the time of levying such tax or assessment, the sum which he shall have paid erroneously as aforesaid, with interest thereon; but he shall have no claim upon or recourse to the city for such erroneous payment.

Refunding duplicate payments.

§ 13. In case any claim shall be presented for refunding a duplicate payment for an assessment, tax or water rate, accompanied by a receipt of any proper officer of the city therefor, such claim shall be referred to and be examined by the officer receiving such payment, and, if the same shall be found valid and just, said officer shall prepare and certify a proper account therefor, to which shall be attached the receipt for such payment, and, upon being also examined and certified by the auditor, and approved by the comptroller, it shall be the duty of the latter to cause a warrant upon the treasurer, to be executed in favor of, and delivered to such claimant, for the amount thereof, upon his giving a proper receipt for the same. All duplicate payments so refunded shall be charged by the comptroller and the treasurer to the account which received credit for the amount when collected and deposited. In case any claim shall be presented for refunding the whole or any part of any tax or assessment, which has been paid, and is claimed to be erroneous by reason of such error as is named in section ten of this title, the board of assessors shall examine, and if they find that anysuch error has been made, shall certify the same and the amount thereof, to the officer who received such payment, and subsequent proceeding shall be taken thereupon, the same as are hereinbefore provided for claims on account of duplicate payments.

Redemption in case of separate interests.

§ 14. In cases where any piece or parcel of land shall be sold for any assessment or tax thereon, and there shall be separate interests, divided or undivided, at the time of levying such tax or assessment, and the same shall be made to appear to the satisfaction of the board of assessors, by affidavit, they may apportion the amount for which said land shall have been sold between the several interests, and the provisions of law applicable to the redemption of lands from sales for assessments and taxes and water rates shall apply to the several interests and amounts apportioned; all such apportionments shall be recorded in the office of said board, and also noted in red ink in the proper book kept by the registrar of arrears.

Proceedings in case assessments void for irregularity.

§ 15. Whenever the attorney and counsel of the city shall be of opinion that any proceeding or assessments for local improvements are invalid and void by reason of irregularity in the conducting or laying the same, he shall forth-

with report such opinion, and the reasons therefor, to the common council, and the common council shall enter an order in their minutes of proceedings declaring such assessments invalid and void, and the said assessments shall thereupon be held and deemed to be invalid and void, and the said common council are hereby authorized and empowered to cause the amount of such assessments to be re-assessed, and to have new proceedings taken and re-assessments made in the same manner as the original proceedings and assessment should have been made, and such new proceedings and re-assessment shall have the same effect as the original proceedings and assessments would have had had they been properly taken and made.

Expense and damages, payment of, in certain cases.

§ 16. The common council, in case any such unpaid assessments shall be rejected for want of jurisdiction in making the improvements, shall cause the expense of the proceedings, and all damages consequent thereon, to be paid to the parties who shall be entitled thereto, out of the revenue fund. Whenever any moneys shall have been paid for an assessment, and a re-assessment shall be made the amount shall be credited on such re-assessment to the property on which the assessment was made; and in case of any alteration on the re-assessment, whereby the amount so paid shall exceed the amount re-assessed on the same property, such surplus shall be paid to the person who shall have paid the same; and in case it shall be insufficient to pay the amount re-assessed, the deficiency shall be collected in the same manner as other assessments.

TITLE XI.

DEPARTMENT OF POLICE AND EXCISE.

SEC. 1. Of whom to consist.
2. President—Commissioners—Salary.
3. Powers of.
4. 5. Terms of office, etc.
6. Precincts, assignment of police force to.
7. Police force, of whom to consist.
8. Rules, etc.
9. Compensation.
10. Receiving of gifts prohibited.
11. When they may be accepted.
12. Expense of department, how paid—Members not to hold other office.
13. Resignations, etc.
14. Withholding pay, dismissal, etc.
15. Mayor, powers of.
16. Detail from regular force, appointment of special patrolmen, etc.
17. Special patrolmen, appointment of, in case of riot, etc.
18. Criminal process, service of.
19. Members of to possess powers of constables.
20. Detail for courts.
21. Board may issue subpœnas, etc.
22. Refusal to obey subpœna, etc.
23. Police telegraph.
24. Duties of police force to preserve public peace, prevent crime, etc.
25. General police supervision over pawnbrokers, etc.
26. Gaming houses, entry of and arrest of occupants.
27. Arrest without warrants.
28. Penalty for using personal violence upon elector on election day.

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29. Letting to bail on Sunday.
30. Superior to be notified in case of arrest of member of force.
31. Exemption from jury duty, etc.
32. Superintendent, reports to be made by.
33. Board, records to be kept by.
34. Warrant of appointment.
35. Security—Official oath.
36. Detail to each election poll.
37. Distribution of ballot boxes.
38. Distribution of ballots, when lawful.
39. Police surgeons, duties of.
40. Police "Life Insurance Fund."
41. Pensions.
42. Stolen property custody of.
43. When to be delivered to accused persons.
44. When to remain in custody of board.
45. Property to be registered and advertised.
46. Perishable property to be sold.
47. When to be delivered to officer to be used in evidence.
48. Ordinances, enforcement of.
49. Rewards, offering of.
50. Owners of steam boilers to report location of—Inspection.
51. Record of inspection.
52. Penalty for applying higher pressure than that limited.
53. Fire marshal, appointment of, etc.
54. Duty to take testimony, to report in writing.
55. Power to compel attendance of witnesses.
56. President to supervise and direct investigations.
57. Arrest of persons found committing offenses, etc.
58. Commissioners of Excise.
59. 60. Granting of licenses.
61. Rules and regulations for public buildings.
62. Keepers of bridges.

Of whom consist.

SECTION 1. There shall be a department of police and excise, to consist of a president and two commissioners.

President

Commissioners.

§ 2. The president of the board of police on the first day of May, eighteen hundred and seventy-three, shall be the president of the said board; and the police commissioner in office on the first day of May, eighteen hundred and seventy-three, together with the police commissioner to be appointed under the provisions of existing laws, together with the said president, shall constitute the board of police and excise of the city of Brooklyn. The president and the commissioners of the said board shall serve out their terms of office. On the expiration of the term of office of the president and the commissioners of the said board, and every two years thereafter, the president and the commissioners respectively shall be appointed by the mayor, with the consent of the board of aldermen; and all appointments to fill vacancies in the said board, occurring after the passage of this act, shall be made in like manner. The president shall receive an annual salary of seven thousand dollars inclusive and in lieu of his salary as a member of the board of health of the city of Brooklyn, and each of the commissioners shall receive an annual salary of five thousand dollars.*

Salary.

Powers of.

§ 3. The said department shall have the management and control of all matters relating to the police and excise,

* Common Council authorized to fix salary, Laws of 1877, Chap. 469.

subject, however to the ordinances of the common council and the laws of the State. All moneys collected for licenses shall be for the benefit of the city, except such part thereof as is provided by law, or may hereafter be provided to be paid to the inebriate house of the county of Kings.

Terms of office, etc.

§ 4. The terms of office of the present commissioners of excise for said city shall expire and terminate respectively on the passage of this act, and they shall thereupon, under oath, account for and deliver to the said president all buildings, books, accounts, vouchers, papers and all other property belonging to the city, that may bein their possession, and pay over all moneys in their possession belonging to the city to the treasurer.

§ 5. From and after the qualification of the said president, the board of police for the city of Brooklyn, and the board of commissioners of excise of said city shall be abolished, and the terms of office of all officers and employees thereof, respectively, shall cease and terminate, except the terms of office of the patrolmen and doormen in the police department.

Precincts, assignment of police force to.

§ 6. The said board of police and excise shall divide said city into precincts, not exceeding one precinct to each thirty-six of the patrolmen authorized to be appointed. The said board may also establish sub-precincts, and assign not to exceed three sergeants, two doormen, two roundsmen, and as many patrolmen as it may deem sufficient to each sub-precinct, and shall appoint a telegraph superintendent, three telegraph operators, and one assistant telegraph operator. It shall appoint as many captains of police as there may be precincts, and assign one captain and as many sergeants, roundsmen, patrolmen, and doormen as it shall deem sufficient to each precinct. It shall also appoint a counsel, and fix his compensation, which shall not exceed twenty-five hundred dollars, and appoint not to exceed five surgeons, and as many mounted sergeants, roundsmen and patrolmen as the common council shall authorize.

Police force, of whom to consist.

§ 7. The police force shall consist of a superintendant, inspector, captains, sergeants, roundsmen, patrolmen, doormen and one drill captain. The number of sergeants shall not exceed four for each precinct; three for each sub-precinct and one for each special squad; the number of roundsmen shall not exceed two for each precinct or sub-precinct, the number of doormen shall not exceed two for each precinct or sub-precinct, and two for headquarters, and one for each special squad; and the number of patrolmen shall

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not exceed the number authorized by law, unless the common council of the city of Brooklyn shall, by resolution, upon the application of the board, authorize a greater number, in which case they shall not exceed the number fixed in such resolution, and such resolutions may be passed by the common council from time to time as that body may deem expedient. And in case of an addition to the number or compensation of the police force or department, the comptroller of the city of Brooklyn shall issue certificates, bearing interest, for any sum not already raised for payment of the force or department accordingly, and a sum sufficient for the payment of the certificates so issued shall be inserted in the succeeding tax levy of the city of Brooklyn, and, upon the collection thereof, said certificates shall be paid. The board shall appoint all members of the police force, clerks and employees, and shall fill all vacancies in the police force as often as they occur.

Rules, etc.

§ 8. The said board shall have power to make such rules, regulations and orders for the government of the police force as it may deem proper. It shall promulgate all regulations and orders to the force through the superintendent, who shall have the direction and control of said force, subject to the rules, regulations and orders of the board; but in times of peril, danger, riot or disorder, or apprehension thereof, the board of police shall be subordinate to the mayor and obey his orders and directions for the time being, anything in this act contained to the contrary notwithstanding.

Compensation.

§ 9. The members of the police force and the different officers named shall respectively receive the following rate of compensation per year, for their services: The superintendent, four thousand dollars; the inspector, three thousand dollars: each captain of police, two thousand dollars; each sergeant, one thousand five hundred dollars; each roundsman, one thousand one hundred dollars; each patrolman, eleven hundred dollars; each police surgeon, one thousand five hundred dollars; the drill captain, one thousand eight hundred dollars; each doorman, eight hundred dollars.

Receiving of gifts prohibited.

§ 10. No member of said board shall, for his own benefit, share in any present, fee, gift or emolument, for police services, additional to his regular salary or compensation.

When may be accepted.

§ 11. The said board, for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain, for his own benefit, any reward or

present tendered him therefor; and it shall be cause of removal from the police for any member thereof to receive any such reward or present without notice thereof to the board. Upon receiving said notice the said board may either order the said member to retain the same, or shall dispose of it for the benefit of the police life insurance fund.

Expense of department, how paid.

§ 12. The expenses of the department shall be paid in the same manner as those of the other departments. Each member of the police force in such department shall hold office during his good behavior, and shall be liable to removal therefrom only after written charges shall have been preferred against him according to the rules and regulations of the department, and the same shall have been publicly heard and examined, after notice thereof by the said department, in the manner to be prescribed by said rules and regulations. Except that any member of the police force who shall, after qualifying for office, accept any additional place of public trust or civil emolument, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be deemed thereby to have vacated his office. No person shall be appointed a member of the police force who has ever been convicted of crime, or who is not a citizen of the United States, or who cannot understandingly read and write the English language, or who shall not have resided within this State one year next preceding his appointment.

Members not to hold other office.

Resignations, etc.

§ 13. No member of the said police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the board. Unexplained absence without leave of any member of the said police for five days shall, at the option of said board, be deemed and held to be a resignation by such member and accepted as such.

Withholding pay, dismissal, etc.

§ 14. The said board shall have power, in its discretion, on conviction of a member of the force for any legal offense or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct, or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiture and withholding pay for a specified time, or dismissal from the force; but no more than ten days pay shall be forfeited and withheld for any offense.

Mayor, powers of.

§ 15. The mayor of the city of Brooklyn is hereby re-invested with the powers conferred upon the mayors of cities,

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by article four, title five, chapter ten, part first of the Revised Statues, in respect to requiring the services of the military in aid of the civil authorities, to quell riots, suppress insurrections, protect property and preserve public tranquility, and the said board shall not exercise said power within such city.

Details from regular force, appointment of special patrolmen, etc.

§ 16. The said board, whenever expedient, shall, on the application of any corporation or person or persons, showing the necessity thereof, detail regular patrolmen of the police force, or appoint and swear any additional number of special patrolmen of the police force, to do special duty at any place within the said city, upon the corporation, person or persons by whom the application shall be made paying, for the use of the city, not exceeding the same rate per diem of service on such detail of special duty as is paid to regular members of the force; but the patrolmen so additionally and specially appointed shall be subject to the orders of the superintendent, and shall obey the rules and regulations of the said department, and conform to its general discipline, and to such special regulations as may be made, and shall wear such dress or emblems as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges, and discharge all duties of the Brooklyn police force applicable to patrolmen. The persons so appointed may be removed at any time by the board without assigning any cause therefor, upon notice to the person or persons who applied for the appointment as aforesaid.

Special patrolmen appointment of, in case of riot, etc.

§ 17. The said board may also, upon any emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen from among the citizens as it may seem desirable, who may be paid the same rate per diem as is paid to regular members of the force; and during the service of any special patrolmen, authorized as aforesaid, it shall possess all the powers, privileges, and perform all the duties that may be by orders, rules and regulations of said department from time to time prescribed. Every such special patrolmen shall wear a badge, to be prescribed and furnished by the board.

Criminal process, service of.

§ 18. All criminal process issuing out of any court, or from any justice or judge in the city of Brooklyn, shall be served by a member of the police force, and not otherwise; and it shall be a misdemeanor for any person not being a regular member of the police, established in any city of this State, or a member of the Brooklyn police force, or a constable of this State, or a police constable, or assistant police constable, or a sheriff, or one of the usual general deputies

of any sheriff of this State, to serve any criminal process within the city of Brooklyn.

Members to possess powers of constables.

§ 19. The members of the said police force shall furthermore possess in every part of this State all the common-law and statutory powers of constable, except for the service of civil process, and any warrant of search or arrest issued by any magistrate of this State may be executed in any part thereof by any member of the said police force, and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the Revised Statutes, in relation to the giving and taking of bail, shall apply to any arrest made as aforesaid.

Detail for courts.

§ 20. The said board shall detail so many patrolman as shall in its judgment be necessary to attend all courts transacting criminal business in this city.

Board may issue subpœnas, etc.

§ 21. The said board shall have power to issue subpœnas to compel the attendance of witness upon any proceedings authorized by the rules and regulations of the department. The president and commissioners of the department, the superintendent, the inspector, and the chief clerk and deputy clerk of the department are hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any depositions necessary to be made under the orders, rules and regulations of the department, or for the purposes of this act. Any wilful and corrupt false swearing by any witness or person, to any material fact, in any proceeding under the said orders, rules and regulations or under these provisions, shall be deemed perjury, and punished in the manner now prescribed by law for such offence.

Refusal to obey subpœnas, etc.

§ 22. Upon the presentation of satisfactory proof of due service of such subpœna, and a failure to obey the same, or of a refusal by any person appearing before said board to take oath or affirmation, or to answer any proper question, it shall be the duty of any justice of the supreme court, or judge of the city court of Brooklyn, to whom the same shall be presented, to issue an order returnable at an early day, requiring the person so failing or refusing to show cause why an attachment should not issue against him, and to adopt other and further measures to compel the witness to appear and testify, and to punish disobedience, as if the matter were legally pending in said courts.

Police telegraph.

§ 23. The said board shall have power to erect, operate and maintain, under the general laws of the State relating

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to telegraphs, all such lines of telegraph between such places in the city of Brooklyn as shall be required for the purposes and business of the department. Said board shall be furnished with all such instruments, fixtures, property, and materials, upon its requisition, as the common council shall determine. The common council shall also furnish to the department, on the requisition of said board, a suitable vessel to carry such force as may be required to protect the shores of the city; and the police department may make arrests on the waters adjoining the city for any crimes committed along the shores, or in or upon any pier, wharf, bulkhead or basin, or upon any vessel attached to or anchored within the same. And the courts of criminal jurisdiction within the city of Brooklyn shall have jurisdiction to hold and punish all persons so arrested.

Duty of police force to preserve public peace, prevent crime, etc.

§ 24. It is hereby made the duty of the said police force, at all times of day and night, within said city of Brooklyn, and the members of such force are hereby thereunto empowered to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful and dangerous assemblages and assemblages which obstruct the free passage of public streets, sidewalks, parks and places, protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, prevent and regulate the movement of teams and vehicles in streets, remove all nuisances in the public streets, parks and highways, arrest all street mendicants and beggars, provide proper police attendance at fires, assist, advise, and protect emigrants, strangers and travelers in public streets, at steamboat and ship landings, and at railroad stations, carefully observe and inspect all places of public amusement, all places of business having excise or other licenses to carry on business, all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside, all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold or offered for sale, all gambling-houses, cock pits, rat pits and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein, enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crime and offenses.

General police supervision over pawnbrokers, etc.

§ 25. The superintendent, inspector, and each captain of police within its precinct shall possess powers of general police supervision and inspection over all pawnbrokers, vendors, junk shop keepers, junk boatmen, cartmen, and

dealers in second-hand merchandise, intelligence office keepers and auctioneers within the said police district; and in the exercise of and in the furtherance of said supervision may from time to time empower members of the police force to fulfil such special duties in the aforesaid premises as may be from time to time ordered by the board. The superintendent, inspector and each captain within his precinct may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any vendor, or junk shop keeper, or dealer in second-hand merchandise, or intelligence office keeper or auctioneer, or boat of any junk boatman. Any such member of the police, when thereto authorized in writing, as aforesaid, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law. Any willful interference with the said superintendent, inspector or captain of police, or with any member of the police, by any of the persons hereinbefore named in this section, while in official discharge of duty, shall be punished as a misdemeanor.

Gaming houses entry of, and arrest of occupants.

§ 26. If any member of the said force, or if any two or more householders shall report in writing under his or their signature, to the superintendent of police, that there are good grounds (and stating the same) for believing that any house, room or premises within the said police district is kept or used as a common gaming house, common gaming room, or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept for lewd or obscene purposes and amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the superintendent of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against law, but none others, and seize all implements of gaming, or lottery tickets, or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the office of the said board. It shall be the duty of the said superintendent of police to cause such arrested persons to be prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the department shall direct.

Arrests without warrants.

§ 27. The several members of the police force shall have power and authority to arrest, without warrant, and to

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take into custody any person who shall commit or threaten, or attempt to commit, in the presence of such member, or within his view, any breach of the peace, or offense directly prohibited by the act of the legislature, or by any ordinance of the city of Brooklyn; but such member of the police force shall, under the penalty of ten days' fine or dismissal from the force, in the discretion of the board, immediately upon such arrest, convey such offender before a magistrate of the city of Brooklyn, that he might be dealt with according to law. If the arrest is made during the hours the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender shall be detained in a station-house until the next public sitting of the magistrate, and no longer, and shall then be conveyed, without delay, before the magistrate, to be dealt with according to law.

Penalty for using personal violence upon elector on election day.

§ 28. It shall be a misdemeanor, punishable by imprisonment in the Kings county penitentiary, for not less than one year and not exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use or incite any other person to use personal violence upon any elector, on any election day, in the city of Brooklyn, or upon any member of the police force thereof, when in the discharge, of his duty, or of any member of the police force to willfully neglect making any arrest for an offense against the law of this State, or ordinance in force in the said city, or for any person not a member of the police force to falsely represent himself as being such member, with a fraudulent design upon persons or property, or upon any day or time to have, use, wear or display, without authority, any shield, buttons, wreaths, numbers or other insignia or emblem, such as are worn by the said police.

Letting to bail on Sunday.

§ 29. Any person arrested by the police may be taken before a magistrate on Sunday, at the usual place of holding his court, for the purpose of being bailed in proper cases until the next public sitting of such magistrate, then to be taken before him to be dealt with according to law.

Superior to be notified in case of arrest of member of force.

§ 30. In every case of arrest by any member of the said police force, the same shall be made known immediately to his superior upon duty in the precinct wherein the arrest was made, by the person making the same; and it shall be the duty of the said superior, within twenty-four hours after such notice, to make written returns thereof, according to the rules and regulations of the said department, with the name of the party arrested, the alleged offense, the time and place of arrest, and the place of detention.

Exemptions from jury duty, etc.

§ 31. No person holding office under this title shall be liable to military or jury duty, or to arrest on civil process, nor to service of subpœna from civil courts while actually on duty.

Superintendent reports to be made by.

§ 32. The superintendent of police shall make to the board, quarterly reports in writing of the state of the said police force of the city of Brooklyn, with such statistics and suggestions as he may deem advisable to submit, for the improvement of the police government and discipline of the said force.

Board, records to be kept by.

§ 33. The said board shall cause to be kept books of record of the police force, of persons arrested for offenses, of complaints against policemen, and the judgment of the board thereupon, of time lost by patrolmen, of accounts of moneys received and expended, and for what purpose expended, of proceedings of the department, of suspected persons and places, and of the property placed in his charge, and of telegraph office, and all such other books and records in and for the department, and in and for the several station-houses, as shall be required by the business of the department.

Warrant of appointment.

§ 34. Every member of the police force shall have issued to him by the president of the department a proper warrant of appointment, signed by the said president and chief clerk or first deputy, which warrant shall contain the date of his appointment and his rank.

Security.

§ 35. The common council shall make suitable provisions respecting security to be entered into by the members of said board and officers and employees of said department, for the faithful performance of their respective duties. Each member of the police force and employees of the department shall take an oath of office and subscribe the same before an officer of said police who is empowered to administer an oath.

Official oath.

Detail to each election poll.

§ 36. It shall be the duty of the board to detail on each day of election within the city of Brooklyn, at least two patrolmen to each election poll.

Distribution of Ballot boxes.

§ 37. The said board shall take charge of and distribute all ballot-boxes for use at general, special and charter elections, and retain the custody of said boxes, except during the taking, receiving and counting the votes.

Distribution of ballots when lawful.

§ 38. It shall not be lawful for any person or persons to erect, maintain, occupy or have any booth, box or structure,

TITLE XI. for the distribution of ballots at any election within one hundred and fifty feet of any polling place, and it shall be the duty of the police force, or any members thereof, to prevent any booth or box, or structure for the distribution of tickets at any election, from being erected or maintained within one hundred and fifty feet of any polling place within the city aforesaid, and to summarily remove any such booth, box or structure, or close and prevent the use thereof.

Police surgeons, duties of.

§ 39. The duties of the police surgeons, and the extent and bounds of their districts, shall be assigned, from time to time, by the orders, rules and regulations of the department.

"Police life insurance fund."

§ 40. All fines imposed by the board upon members of the police force by way of discipline, and collected from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments, that may be paid and given for account of extraordinary services of any member of the police force (except when allowed to be retained by said member), and all moneys remaining for the space of one year in the hands of the board, or arising from the sale of unclaimed goods, and all proceeds of suits or penalties under the act hereby amended, shall be deposited and paid into the treasury. The payments so made shall constitute and be kept as a fund to be called the "police life insurance fund" and the said president of the said department and the commissioners of the sinking fund are hereby declared to be the trustees of the said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all necessary contracts and take all necessary remedies in the premises.

Pensions.

§ 41. Any member of the police force who shall, while in the actual performance of duty, and by reason of such performance of duty, and without fault or misconduct on his part, become permanently disabled, physically or mentally, so as to be unfit to perform police duty; and any such member, who shall, after ten years of membership, become superannuated by age, or rendered incapable of performing police duty by disease contracted without misconduct on his part, may be placed on the pension roll of the police life insurance fund, and granted and paid a pension of not exceeding three hundred dollars per year, from the said fund. If any member of the police force, while in the actual discharge of police duty, shall be killed or shall die from the effect of any injury received by him while in

the actual discharge of said duty, or shall die after ten continuous years of service in the force (such death not being caused by misconduct on his part), leaving a widow, the name of such widow may be placed on such pension roll, and a like pension granted and paid to her from said fund, so long as she remains unmarried. If such member, dying as aforesaid, shall leave any minor child or children, but no widow (or if a widow, then after her death), the name or names of such child or children, under the age of eighteen years, may be placed on said pension roll, and a pension from said fund granted and paid to such child or children; if more than one, to be divided equally between them; such pension or share of pension to cease on the said child or children respectively, arriving at the age of eighteen years, or whenever earlier discontinued by order of the board. In every case, the board shall determine the circumstances thereof, and order payment of the pension to be made by draft, signed as the said trustees shall direct; but nothing herein contained shall render any payment of said pension obligatory upon said board or the said trustees, or chargeable, as a matter of legal right, upon the said police life insurance fund. The board, in its discretion, may at any time, order such pension, or any part thereof, to cease. Pensions existing at the date of this act may be modified and increased in pursuance of the provisions of this section.

Stolen property, custody of.

§ 42. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into custody of any member of the police force, or which shall come into the custody of any police justice, shall be by such member or justice given in to the custody of and kept by the board; and all such property and money shall be particularly registered in a book kept for that purpose, which shall contain, also, a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure and any final disposition of such property or money.

When to be delivered to accused person.

§ 43. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought, with such claimant and person arrested, before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offence alleged, and that the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the board shall deliver such property or money to the accused person himself, and not the attorney, agent or clerk of such accused person.

When to remain in custody of board.

§ 44. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other persons than the persons arrested, and the said accused persons shall be held for trial or examination, such property or money, or so much thereof as may, in the judgment of the district attorney, be necessary, shall remain in the custody of the board, until the discharge or conviction of the person accused.

Property to be registered and advertised.

§ 45. All property or money taken on suspicion of having been feloniously obtained, or being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into possession of any member of said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the board, to be duly registered and advertised, for the benefit of all parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

Perishable property to be sold.

§ 46. All of said property that shall be determined by the board to be perishable shall be sold at public auction, after having been advertised for three consecutive days in a corporation newspaper, and all of said property not determined by said board to be perishable shall be so advertised and sold after the same has remained in its custody for the period of six months, without any lawful claimant thereto; and the proceeds of the sale of said perishable property after the expiration of six months from the sale, so remaining unclaimed, with the proceeds of the sale of said other property immediately after its sale, together with any money remaining in its custody unclaimed for six months, shall be paid into the police life insurance fund.

When to be delivered to officer to be used in evidence.

§ 47. If any property or money placed in the custody of the board shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer, who shall present an order to that effect from such court; such property, however, shall not be retained in said court, but shall be returned to said board to be disposed of as hereinbefore provided.

Ordinances, enforcement of.

§ 48. The board shall, at all times, cause the ordinances of the city of Brooklyn, not in conflict with the provisions herein contained, to be properly enforced; and it shall be its duty at all times, whenever consistent with the rules and

regulations of the department, and with the requirements of this act, to furnish all information desired.

Rewards, offering of.

§ 49. The board shall have authority to offer rewards to induce all classes of persons to give information which shall lead to the detection, arrest and conviction of persons guilty of homicide, arson, or receiving stolen goods, knowing them to be stolen. Such reward shall be paid from the "reward fund," which fund shall be formed by investing from moneys deducted from the pay of members of the police force on account of lost time, at a rate not exceeding fifty cents per month for said members respectively, to which shall be added all sums subscribed or contributed by insurance companies and other citizens, and which shall be paid into the treasury, and kept as a separate fund, to be called the "reward fund." The trustees of the police life insurance fund shall be the trustees of said fund, and shall invest and manage the same, and have the same powers in relation thereto as are conferred on them by law in relation to the police life insurance fund.

Owners of steam boilers to report location of

Inspection

§ 50. Every owner of a steam boiler or boilers in use in the city of Brooklyn shall, annually, and at such times and in such manner, and such form as may by rules and regulations be made therefor by the board, report to the board the locality of such steam boiler or boilers; and thereupon or as soon thereafter as practicable, the board shall cause to be inspected such steam boiler or boilers, and all apparatus and appliances therewith; but no person shall perform such duties unless he is a practical engineer, and the strength and security of each boiler shall be tested by hydrostatic pressure; and they shall limit the pressure of steam to be applied to or upon such boiler, certifying each inspection and such limit of pressure to the owner of the boiler inspected, and also to the engineer in charge of the same; and no greater amount of steam or pressure than that certified in the case of any boiler shall be applied thereto. In limiting the amount of pressure, wherever the boiler under test will bear the same, the limit desired by the owner of the boiler shall be the one certified.

Record of inspection

§ 51. The board shall preserve, in proper form, a correct record of all inspection of steam boilers and of the amount of steam or pressure allowed in each case, and in cases where any steam boiler or the appliances or apparatus connected therewith shall be deemed by the board, after inspection, to be insecure or dangerous, it shall prescribe such changes and alterations as may render such boilers, apparatus and appliances secure and devoid of danger. And in the meantime, and until such changes and alterations are

TITLE XI. made and such appliances attached, such boiler, apparatus and appliances may be taken under the control of said board, and all persons prevented from using the same; and in cases deemed necessary, the appliances, apparatus or attachments for the limitation of pressure may be taken under control of the said board, and no owner or agent of any steam boiler shall act or employ any person as engineer without their having a certificate as to qualification from practical engineers, to be countersigned by the president of the department.

Penalty for applying higher pressure than that limited.

§52. Any person applying, or causing to be applied to any steam boiler a higher pressure of steam than that limited for the same in accordance with the provisions of this act shall be guilty of a misdemeanor, and whenever any owner of any steam boiler, in the city of Brooklyn, shall fail or omit to have the same reported for inspection, as provided for by this act, such boiler may be taken under the control of the board, and all persons prevented from using the same until it can be satisfactorily tested as herein provided for, and the owner shall, in such cases, be charged with the expense of so testing it. For the purpose of carrying out the provisions of the last three sections, the board shall appoint not to exceed four boiler inspectors, who shall be skilled machinists.

Fire marshal, appointment of, etc.

§ 53. There shall be an officer, to be appointed by the said board, to be known as the police fire marshall of the city of Brooklyn, who shall reside in Brooklyn; he shall take the constitutional oath of office, and hold such office during the pleasure of said board, and until a successor shall be appointed and duly qualified by taking the constitutional oath of office; he shall receive an annual salary of three thousand dollars. Upon his death, resignation or removal, and thereafter as often as a vacancy shall occur in said office, the said board shall appoint a proper person to be said police fire marshal. The business office of the said fire marshal shall be at the headquarters of the department.

Duty of

§ 54. It shall be the duty of said fire-marshal to examine into the cause, circumstances and origin of fires occurring in the city of Brooklyn, by which any building, vessel, vehicle or any valuable personal property shall be accidentally or unlawfully burned, destroyed, lost or damaged, wholly or partially; and to especially inquire and examine whether the fire was the result of carelessness or the act of an incendiary. The said fire marshal shall take the testimony, on oath, of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the

To take testimony.

matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to the board, with his report in writing, embodying his opinions and conclusions in relation to the matter investigated. The said fire marshal shall report in writing to the board, to the district attorneys, to the New York board of fire underwriters, to the owners of property, or other persons interested in the subject-matter of investigation, any facts and circumstances which he may have ascertained by such inquiries and investigations, which shall, in his opinion, require attention from said board, officers or persons; and it shall be the duty of the said fire marshal, whenever he shall be of opinion that there is evidence sufficient to charge any person with the crime of arson, to cause such person to be arrested and charged with such offense, and furnish the district attorney with all the evidence of guilt, with the names of witnesses, and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case: and he shall specially report to the board, as often as it shall require, his proceedings and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

To report in writing.

§ 55. The said fire marshal shall have power to issue a notice, in the nature of a subpœna, in such form and subscribed in such matter as the board shall prescribe, to compel the attendance of any person as a witness before him, to testify in relation to any matter which is hereby a subject of inquiry and investigation by the said marshal. The said fire marshal shall be and is hereby authorized to administer and verify oaths, and affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punishable as such. Upon the presentation of satisfactory proof of due service of any such notice, in the nature of a subpœna, upon any such witness, and of a failure by such witness to obey the same, it shall be the duty of the board to make an order that the said witness be arrested and brought before the marshal to testify what such witness may know in relation to the subject-matter of inquiry. Such order may be executed by any member of the police force, by arresting and bringing such witness before the said marshal; but such witness shall not be detained longer than is necessary to take such testimony. The said fire marshal shall have the authority, at all times of the day or night, in performance of the duties imposed by the provisions of this act, to enter upon or examine any building or premises where any fire shall have occurred, and the buildings and premises adjoining and near to that in which the fire occurred.

Power to compel attendance of witnesses.

President to supervise and direct investigations.

§ 56. It shall be the duty of the president of the department to supervise and direct, whenever he shall be of opinion that the public interest will be subserved thereby, the investigations, examinations and proceedings of said fire marshal, and make all needful and proper rules and regulations in relation to the duties of the office, and the manner of performing the same, and shall detail any members of the police force to aid and assist in the performance of such duties.

Arrest of persons found committing offenses, etc.

§ 57. It shall be the duty of every member of said police force to arrest all persons found actually engaged in the commission of an offense in violation of the excise laws, and forthwith to carry such person before some magistrate, to be dealt with according to law; and if such offense be intoxication, and such magistrate shall, after due examination, deem the person brought before him too much intoxicated to be examined or to answer an oath correctly, he shall direct the member of the police force who made the arrest to keep said person in some jail, lock-up, or other safe and convenient place, until he shall have become sober, and thereupon forthwith to bring him before said magistrate.

Commissioners of excise.

§ 58. The said board shall have the powers and perform the duties which are now conferred upon boards of commissioners of excise in this State under the provisions of an act entitled "An act regulating the sale of intoxicating liquors," passed April eleventh, eighteen hundred and seventy.

Granting of licenses.

§ 59. The board shall, subject to the provision of said act and to the ordinance of the common council, provide for the granting of licenses to sell intoxicating liquors, the persons to whom such licenses shall be given, the amount of the fee for license, in all cases, and the regulations under which the persons licensed may sell.

§ 60. The said board is hereby empowered to grant licenses in the manner and form as may be directed by the common council or as, in default thereof, the said board may determine, and it shall be its duty to enforce the provisions of the excise laws and of any ordinance of the common council in respect to the matter, to report all violations thereof to the law department, immediately, with the facts and evidence of such violation.

Rules and regulations for public buildings.

§ 61. The said board is hereby authorized and empowered to make and establish suitable rules and regulations for all public buildings, theatres or other places of amusement

that he may deem necessary for the protection of life. Any owner, lessee, manager, agent or other person in charge who shall violate or permit the violation of any rule or regulation established by said board as herein provided, shall be deemed guilty of a misdemeanor, and in addition thereto shall forfeit and pay a penalty of one hundred dollars, to be sued for and recovered by the city.

Keepers of bridges.

§ 62. The board of police shall appoint suitable persons as keepers of all bridges in the city of Brooklyn, who shall perform all the duties, and be subject to the regulations and ordinances of the common council. The said persons so appointed shall be under the direction and control of the board of police and excise, and may be superseded at any time by the said board. From and after the appointment of said keepers of bridges by the board of police and excise the term of office of the present bridge keepers shall cease and determine.

TITLE XII.

DEPARTMENT OF HEALTH.

SEC. 1. Department of health.
2. Board of health.
3. Mayor and Common Council to appoint a physician as member of Board.
4. Powers and duties of board of health.
5. To prepare ordinances—registration—registration of births and deaths.
6. To appoint a Sanitary Superintendent and other officers.
7. Powers in case of impending pestilence.
8. Power to enforce and carry out ordinances.
9. Relative to make contracts for removal of offal, dead animals, &c.
10. Contracts—how to be made.

Department of health.

§ 1. There shall be a department of health, which shall be known as the board of health of the city of Brooklyn, which shall have jurisdiction over said city.

Board of health.

§ 2. The management and control of said department shall be vested in a board of health, to be composed of the president of the board of aldermen, the president of the board of police, and one physician, who shall have been ten years in active practice, and five years a resident of the city of Brooklyn immediately prior to his appointment.

Mayor and common council to appoint a physician as member of the Board.

§ 3. Within five days after the passage of this act (and on the first Monday in May, eighteen hundred and seventy-seven, and every two years thereafter), the mayor shall nominate, and with the consent of the board of aldermen, appoint one physician who is eligible to the office, as a member of the said board of health, who shall be president thereof, and shall hold office until his successor shall have been duly qualified; and the said physician, after having duly qualified, together with the president of the board of police and the president of

TITLE XII. the board of aldermen, shall constitute the board of health of the city of Brooklyn, and thereupon the powers and duties of the existing board of health shall cease, and be no longer operative, and the commissioners appointed under this act shall in all things supersede and take the place of the said existing board of health of the city of Brooklyn. In case of death, resignation, removal from office, or other inability to serve, of the physician so appointed, the vacancy shall be filled for the vacancy of the unexpired time by the mayor and common council in the manner herein provided for appointment under this act. The salary of said physician shall be five thousand dollars per annum.*

Powers and duties of Board.

§ 4. Said board of health as thus constituted shall have power to act as a legislative board in regard to all matters pertaining to public health and to the registration of vital statistics in the said city, and to make such rules and regulations and such appointments of officers and employees as it may deem necessary for the proper carrying out and enforcement of all laws, ordinances and codes that may be prescribed for its government, for the protection of the public health, and for the proper care and registration of such statistics.

To prepare ordinances—registration of births and deaths.

§ 5. The said board of health is hereby authorized and directed to prepare such ordinances as it shall deem to be required for the protection of the public health, and for securing the proper registration of births, marriages, deaths, and such other statistical information necessary for efficient working of the department, with penalties for their violation, which ordinances shall be by said board submitted to the common council, and when approved by said common council shall have and possess the same power and effect as other ordinances of said city, and shall be carried out and executed by said board of health.

To appoint sanitary superintendent and other officers.

§ 6. Said board of health shall have exclusive power to appoint a secretary, sanitary superintendent, register of records, inspectors, and such other officers and employees as it may deem proper and necessary to the efficient, safe and economical discharge of the duties by this act devolved on said board, and to fix their compensation, providing, however, that the whole expense of administering said department shall not exceed the sum appropriated therefor by the board of estimate, and all expenditures so incurred, for whatever purpose, shall be made and met in such manner as is provided for in other departments of the city gov-

* Common Council authorized to fix salaries, Laws of 1877, Chap. 459.

ernment. It shall be the duty of the board of police to execute the orders of the board of health when so requested by said board of health.

Powers in case of impending pestilence.

§ 7. In the presence of great and imminent peril to public health of the city of Brooklyn by reason of impending pestilence, it shall be the duty of said board to take such measures and do and order and cause to be done such acts, and to make such expenditures (beyond those duly estimated for as provided) for the preservation of the public health from such impending pestilence, as it may, in good faith, declare the public safety and health to demand, and the mayor of said city, and the president of the medical society of Kings county shall also in writing approve. And such peril shall not be deemed to exist except when and for such period of time as the mayor, president of the medical society and board of health shall by proclamation declare.

Power to enforce and carry out ordinances.

§ 8. The said department of health shall have full power to enforce and carry out all ordinances, rules or regulations for the preservation of the public health and for the registration of vital statistics, as may be hereafter enacted by the common council of the city of Brooklyn, in the manner prescribed by this act, and to prohibit in said city any business or practice which said board of health shall declare to be dangerous or detrimental to the public health. But no established business or the rights to property of any person shall be interfered with or prohibited, until the offender or offenders therewith charged, shall have been duly summoned by notice of not less than five days, to appear before said board to show cause why such declaration or order of prohibition shall not be enforced against the said party or parties charged; nor until they shall have an opportunity to be heard. And upon the rendition of the decision of the said board of health, that said business or practice is detrimental to the public health, the said person or persons so charged, shall have the right of appeal from such decision to the city court of the city of Brooklyn, upon petition reciting the said charges and decision directed to the said city court of Brooklyn, a copy of which petition shall be duly served upon the said board of health within five days from the rendition of its said decision. And the said city court shall proceed to a hearing and determination of such matter, which hearing shall be by trial of the issues embraced in the said petition, before said court, upon such day as the said court shall fix at its then existing or first term thereafter; and the decision of said city court in said matter shall be final. But no such appeal shall be had or taken until a bond to be approved by the court shall have been duly filed with the court, conditioned in the sum of

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five hundred dollars, that the said appellant will pay to the board of health of said city, all costs which may be awarded against such appellant or appellants in case the said decision rendered by the said board of health and appealed from, shall be affirmed by final judgment.

Relative power to contract for removal of offal, dead animals, &c.

§ 9. The department of city works in conjunction with the department of health, shall have full and exclusive power to make contract for the removal of all offal, dead animals, night soil, garbage or other refuse matter from the city of Brooklyn for a period not exceeding five years, and to require and receive bonds in such form and amount as the said departments jointly may approve, for the faithful performance by the person or persons to whom such contracts may by said departments in their discretion have been awarded, of all and every of the provisions of such contracts, and to cancel and revoke all contracts made by them, or which may be entered into under this section, as well as all existing contracts for the removal of the matters aforesaid, whenever the contractor shall refuse or neglect to perform any of the stipulations of such contract.

Contracts—how to be made.

§ 10. All contracts shall be signed by the presidents of the two boards, and no contract shall be made or terminated except by the affirmative vote of a majority of the members of the conjoint boards of health and city works. All contracts when so made shall be carried out and executed under the supervision and control of the board of city works, but cognizance shall be always taken of any complaint of neglect of duty on the part of a contractor when made by the board of health, and the president of said board of health may at any time convene a joint meeting of the two said boards, whenever in the opinion of the board of health, any contract entered into by such boards is not being properly carried out or executed.

TITLE XIII.

DEPARTMENT OF FIRE AND BUILDINGS.

SEC. 1. Department of.
2. President, etc.
3. Appointment of commissioner.
4. Of president and commissioner.
5. Power and duties of.
6. Common council to provide supplies.
7. Management, government, etc., of buildings and property.
8. Sale of property.
9. Secretary, chief and assistant engineers, superintendent of buildings.
10. Salary of firemen.
11. Right of way at fires.
12. Return of members, etc.
13. List of active firemen—Misdemeanor for person not a fireman to wear uniform, etc.—Exemption.
14. Regulation as to uniform, etc.
15. Requisition for aid by New York fire department—by Brooklyn or New York.
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SEC. 18. Action against city for injuries resulting from.
19. Inspection of buildings.
20. "Firemen's Insurance Fund."
21. Pensions.
22. Meritorious services, retention of rewards for.
23. Fire limits.
24. Plans, etc., to be approved by commissioners.
25. Materials to be used.
26. Foundations, material to be used, etc.
27. Dwelling houses, stores, storehouses, etc., more than thirty feet wide how to be built.
28, 29. Walls, thickness of, etc.—Stone walls, how to be laid.
30. Discharging, or arch pieces, used in chimneys, etc.
31. Piers, etc.
32. Walks, arches in, etc.
33. Gutters, cornices, etc.
34. Plate irons, etc.
35. Wooden girders, etc., how placed.
36. Scuttles, fire escapes, etc.
37. Roof planking or sheathing.
38. Beams or timbers, how to be laid—proviso as to mansard roofs.
39. Timbers in front or rear walls.
40. Wooden gutters to be lined.
41. Re-roofing of wooden buildings.
42. Steeples, cupolas, etc.
43. "Public buildings" defined.
44. Privies.
45. Ash houses.
46. Wooden or frame buildings, alteration of, etc.
47. With brick front, damaged by fire, when may be rebuilt.
48. Extent of damage, how determined.
49. Alterations, etc., when not to be made—record of permit to be kept.
50. Penalty for violation by owners, lessees or builder—notice, how served—Premises held for payment of penalty.
51. Storing of hay, straw, etc., in dwelling houses prohibited.
52. Hatchways, etc., in stores, etc., when to be closed.
53. Examination of buildings in course of erection.
54. When common council to direct action to be brought.
55. Courts may decree that buildings erected in violation of this title shall be taken down.
56. Semi-annual examinations of dwelling houses, etc.
57. Civil penalties, compromise of—Inspectors.
58. Petroleum, how to be stored or kept—No person to sell kerosene without license.
59. Penalty for violation of provisions.
60. Licenses and penalties to be paid into Firemen's Insurance Fund.
61. Commissioners to investigate origin, etc., of fires, and as to delinquencies of officers and employees.
62. These provisions declared a public act.
63. Repealing clause.

SECTION 1. There shall be a department of "Fire and Buildings," to consist of a president and two commissioners. Department of.

§ 2. The present president of the board of fire commissioners of the city of Brooklyn shall be the president of the said department, and he, with the present commissioner, whose term of office will expire in the year one thousand eight hundred and seventy-five, and the commissioner to be appointed as hereinafter provided, shall constitute the department of fire and buildings. The term of office of the said president, together with that of the said commissioners, shall expire on the day on which the term of the said president will expire under existing laws. President, etc.

§ 3. Within twenty days after the passage of this act, the comptroller and auditor shall meet in the comptroller's office and appoint a proper person to be a commissioner of said board. Appointment of commissioner.

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Of president and commissioner.

§4. On the expiration of the term of the office of president and the commissioners of the said board, and every two years thereafter, the president and the commissioners shall respectively be appointed by the mayor, with the consent of the board of aldermen, and all appointments to fill vacancies in the said board, occurring after the said appointment shall have been made by the comptroller and auditor, shall be made by the mayor, with the consent of the board of aldermen. The president shall receive an annual salary of five thousand dollars, and each of the commissioners shall receive an annual salary of four thousand dollars.*

Powers and duties of.

§ 5. The said commissioners shall possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the city of Brooklyn, and the premises and property thereof, subject to the direction of the common council, except such power and authority as is now vested by law in the trustees of the fire department of the eastern and western districts of the city of Brooklyn, which said divisions shall continue distinct from each other, so far as relates to the widows' and orphans' fund of each district, but for no other purpose; and the persons elected and now acting as the trustees of the widows' and orphans' fund of the eastern district, and those elected and acting as trustees of the widows' and orphans' fund of the western district, shall remain and continue to have and exercise, in each division respectively, all such powers and duties as are now vested by law in said boards with regard to the widows' and orphans' fund of each district. The said department shall hereafter have sole and exclusive official power and authority to extinguish fires in said city of Brooklyn, and are charged with the execution of the provisions of this act relating to the erection of buildings as hereinafter provided.

Common council to provide supplies.

§ 6. The common council shall provide supplies, horses, tools, implements and apparatus of any and all kinds (to be used in the extinguishing of fires), and fire telegraphs, provide suitable locations for the same; and shall have power to buy, sell, construct, repair and have the care of the same, and take any and all such action in the premises as may be necessary and proper.

Management, government, etc., of buildings and property.

§ 7. The said department shall possess and exercise full and exclusive power and discretion for the government, management, maintenance and direction of the several buildings and premises, and property and appurtenances

* Common Council authorized to fix salaries, Laws of 1877, chap. 459

thereto, and all apparatus, hose, implements and tools of any and all kinds, which, at the time of the appointment of the commissioners aforesaid, were under the charge of any and all city officer or officers of the fire department in said city for the use and benefit of the department hereby created. And it shall be the duty of all persons and officers in possession of any books or papers, or of any property, real or personal, belonging to or set apart for, or in use by or for the fire department of said city, to deliver the same to the possession and control of the department hereby created.

Sale of property.

§ 8. Whenever the said commissioners shall determine that any of the real or personal property of said department is not required for its purposes, they shall file with the comptroller of said city a list of such property, and within thirty days thereafter the same shall be disposed of as the common council may direct, and the proceeds thereof shall be paid into the treasury to the credit of said department, and may be drawn as directed by the common council for the purpose of purchasing other real or personal property for said department as may be directed by said common council.

Secretary, chief and assistant engineers, etc.

§ 9. The said commissioners shall have power to select a secretary, chief and assistant engineers, and as many officers, clerks, foremen, engineers, drivers, inspectors and bell-ringers as may be necessary, provided that the salaries of such employees, in the aggregate, shall not exceed the amount annually raised by the proper officers for such purpose. The said employees shall at all times be under the control of said commissioners, and perform such duties, as may be imposed upon them by the said commissioners, and the chief clerk in the building bureau of the department of fire and buildings shall be known and designated as the superintendent of buildings, and shall have charge under the direction of the commissioners of said department, of said building bureau, and such matters connected therewith as existing laws relative thereto provide.

Superintendent of buildings.

Salary of firemen.

§ 10. The salary of the firemen appointed by the said commissioners shall be eight hundred dollars per annum.*

Right of way at fires.

§ 11. The aforesaid officers and men, with their apparatus of all kinds, when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles, of any kind, except those carrying the United States mails, and any person in, or upon, or owning any vehicle who shall refuse the right of way, or in any

* Common Council authorized to increase salaries not to exceed one thousand dollars per annum, Laws of 1877, Chap. 459.

way willfully obstruct any fire apparatus or any of said officers while in performance of duty, shall be guilty of a misdemeanor, and be liable to punishment for the same.

Return of members, etc.

§ 12. The names of the members of the present fire department, regularly enrolled at the time of the passage of this act, shall be returned by the present chief engineer of said department, under oath, to the clerk of the common council of said city of Brooklyn; and all such members who shall faithfully perform their duties until regularly discharged by said commissioners and not otherwise, shall be entitled to the benefits of the firemens' insurance fund provided for in this act.

List of active firemen.

§ 13. It shall be the duty of the present fire commissioners, immediately after the passage of this act, to make, or cause to be made, a correct list containing the names of all those persons who, at the time of the passage of this act, were regularly enrolled as active firemen on the books of the common council, or the fire commissioners, and who were, at the time aforesaid, performing the duty of active firemen of the said city, and the list aforesaid shall be submitted to the said commissioners appointed under this act.

Misdemeanor for person not a fireman to wear uniform of, etc.

It shall be a misdemeanor for any person not so enrolled or employed, or appointed by the said department, to wear the whole or any part of the uniform or insignia prescribed to be worn by the rules and regulations of the department, or to do any act as firemen not duly authorized by the commissioners duly created, or to interfere with the property or apparatus of the fire department in any manner, unless by the authority of the department. No person holding office under this act shall be liable to military or jury duty while performing his duty as a fireman.

Exemption.

Regulation as to uniform, etc.

§ 14. It shall be the duty of said commissioners to make suitable regulations under which the officers and men of the department shall be required to wear an appropriate uniform and badges, by which, in case of fire and at other times, the authority and relations of such officers and men may be known, and the commissioners shall have power, in their discretion, on conviction of a member of the department for any legal offense or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct, or other breach of discipline, to punish the offending party by reprimand, forfeiting or withholding pay for a specified time, or dismissal from the department, but no more than ten days' pay shall be forfeited and withheld for any offense.

Requisition for aid by New York fire department.

§ 15. In case there should hereafter be any fire in the city of New York, which, in the opinion of the commissioners of the New York fire department, or a majority of them, shall require the presence and co-operation of a greater number of officers or men or apparatus than may be at the command or under the control of said New York fire department to extinguish the said fire, it shall be the duty of said New York fire commissioners, and they are hereby empowered to request, in writing, the fire commissioners of the city of Brooklyn to assist them with officers, men and apparatus, or either of them, from the said city of Brooklyn, to aid in putting out and extinguishing the said fire, and it shall be the duty of the said fire commissioners, when so called upon, to furnish the same. And in case there shall hereafter be a fire in the city of Brooklyn, which, in the opinion of the fire commissioners of said city, shall require the presence and co-operation of a greater number of officers or men or apparatus than may be at the command or under the control of said fire commissioners to extinguish said fire, it is hereby made the duty of said fire commissioners, and they are hereby authorized to request, in writing, the commissioners of the New York fire department to assist them with officers, men and apparatus, or either of the same, to aid in putting out the said fire, and it shall be the duty of the said New York fire commissioners to furnish the same; and in case any expense is incurred by the said commissioners of the city of Brooklyn, in aiding the said New York fire commissioners, as hereinbefore provided, the amount of such expense, when duly certified under oath by the fire commissioners of the city of Brooklyn to the said New York fire commissioners, shall be paid to the city of Brooklyn by the city of New York; and in case any expense is incurred in furnishing the aid provided in this act by the said New York fire commissioners to the said fire commissioners of the city of Brooklyn, it shall be the duty of the city of Brooklyn to refund the same to the city of New York, when the same shall have been duly certified under oath by the said New York fire commissioners.

By Brooklyn or New York.

Arrest of persons committing crimes at fires.

§ 16. The said department shall provide for protection against fire, and may provide for the arrest of all persons who may, at or near any fire, commit or attempt to commit any crime against the laws of this State, or may violate any rule or any regulation of said department.

Pulling down buildings.

§ 17. When a building shall be on fire in said city, the commissioners, or in their absence the chief engineer, may order such building, or any adjoining building to be pulled down or otherwise destroyed, if he shall deem it likely to convey the fire to another building.

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Action against city for injuries resulting from.

§ 18. Any person who shall be or shall have been injured or damaged by reason of the pulling down or destruction of any building in said city, for the purpose of preventing the spreading of fire, may institute against the said city an action to recover compensation for such injury or damages; and in case a final judgment be recovered in such action against the city, the amount so recovered, with interest, and all the costs and expenses of the city in the defense of such suit, shall be paid out of the revenue fund.

Inspection of buildings.

§ 19. The commissioners shall inspect all buildings, and it shall be lawful for any of the inspectors, for such inspection, to enter into and upon all buildings, livery or other stables, boats or vessels, and place where any gunpowder, saltpeter, hay, rushes, firewood, board, shingles, shavings, or other combustible materials may be lodged; and he shall give such directions, in writing, as he may deem necessary, relative to the removal thereof; and in case of the neglect or refusal on the part of the owner or possessor of such combustible materials, or the owner or occupant of said premises, places or vessels, or either of them, to remove or secure the same within such time, and in the manner directed by the said commissioners, the party offending shall forfeit and pay fifty dollars, and the further sum of ten dollars for every twenty-four hours' neglect to remove or secure the same after being so notified.

"Firemen's insurance fund."

§ 20. All fines imposed by the commissioners upon members of the fire department, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary services of any member of the department (except when allowed to be retained by said member), and all moneys received for penalties, under the provisions of this title, shall be paid into the treasury to the credit of the firemen's insurance fund. The payments so made shall constitute and be kept as a fund to be called the "firemen's insurance fund," and the president of the department and the commissioners of the sinking fund are hereby declared to be the trustees of the said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and take all necessary remedies in the premises.

Pensions.

§ 21. Any member of the fire department, who shall, while in the actual performance of his duty, and by reason of such performance of duty, and without fault or misconduct on his part, become permanently disabled, physically

or mentally, so as to be unfitted to perform duty, and any such member who shall after ten years of membership become superannuated by age, or rendered incapable of performing duty by disease contracted without misconduct on his part, may be placed on the pension roll of the firemen's insurance fund, and granted and paid a pension of not exceeding three hundred dollars per year from the said fund. If any member of the department, while in the actual discharge of duty, shall be killed, or shall die, from the effect of any injury received by him while in the actual discharge of said duty, or shall die, after ten continuous years in the service of the department (such death not being caused by misconduct on his part), leaving a widow, the name of such widow may be placed on such pension roll, and a like pension granted and paid to her from said fund, so long as she remains unmarried. If such member dying as aforesaid, shall leave any minor child or children, but no widow (or if a widow, then after her death), the name or names of such child or children, under the age of eighteen years, may be placed on said pension roll, and a pension from said fund granted and paid to such child or children; if more than one, to be divided equally between them. Such pension or share of pension to cease on the said child or children respectively arriving at the age of eighteen years, or whenever earlier discontinued by order of the commissioners. In every case the commissioners shall determine the circumstances thereof, and order payment of the pension to be made by draft, signed as the said trustees shall direct; but nothing herein contained shall render any payment of said pension obligatory upon said commissioners or the said trustees, or chargeable, as a matter of legal right, upon the said fireman's insurance fund. The commissioners, in their discretion, may at any time order such pension, or any part thereof, to cease.

Meritorious services, retention of rewards for.

§ 22. The commissioners, for meritorious and extraordinary services rendered by any member of the department in the due discharge of his duty, may permit such member to retain for his benefit any reward or present tendered him therefor; and it shall be the cause of removal from any department for any member thereof to receive any such reward or present without notice thereof to the commissioners. Upon receiving said notice, the said commissioners may either order the said member to retain the same, or shall dispose of it for the benefit of the firemen's insurance fund.

Fire limits.

§ 23. The building limits, within which all buildings to be hereafter erected shall be built of brick, stone or material other than wood, shall comprise the fire limits as now established by law, or as these limits shall hereafter be ex-

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tended by the common council, and no buildings of wood shall hereafter be erected within such limits, except that owners of piers extending in the East river or bay may cover the same with sheds or frame buildings, not to be in height at the eaves more than twenty feet, and not more than twenty-five feet in height at the peak or highest point; the roof of such sheds or frame buildings shall be covered with zinc, tin, iron, slate, asphalt and gravel, or other fire-proof material, to be approved by the commissioners; every part of said sheds or frame buildings shall be distant at least eighty feet from any other buildings.

Plans, etc., to be approved by commissioners.

§ 24. No building shall be erected, or its erection commenced, or any alteration made in any building already erected, or hereafter to be erected, unless proper plans and specifications shall have been filed in the department of fire and buildings, and a certificate of approval granted therefor. It shall be the duty of the commissioners of said department, without unreasonable delay, to issue such certificate when such plans and specifications conform to the rules and regulations of said department.

Materials to be used.

§ 25. All buildings hereafter erected within said limits, or as the same may be extended, shall be erected, constructed or built of no other material than brick, stone or iron, and all dwelling houses, stores, storehouses and all other buildings hereafter to be constructed or built within the said city, shall have front and rear walls and side walls on both sides, whether such side walls be outside or party walls, and shall be started and built upon foundation of stone or brick.

Foundations, materials to be used, etc.

§ 26. All foundations shall be started not less than three feet below the surface of the earth, and carried up to the first tier of beams, on a good, solid bottom, and, in case the nature of the earth should require it, a bottom of driven piles, or laid timbers of sufficient size, shall be laid to prevent the walls from settling; the top of such piles or timber-bottom to be driven or laid below the water-line, and all piers, columns, posts or pillars shall be started on a bottom in the same manner as foundation walls. The footing or base course under all foundation walls, and under all piers, columns, posts or pillars resting on the earth shall be of stone or concrete, where in the judgment of the commissioners, the nature of the ground, or the weight to be sustained may require it, and if under a foundation-wall shall be at least twelve inches wider than the bottom width of the said wall; and if under piers, columns, posts or pillars, or truss girder, shall be at least twelve inches wider on all sides than the bottom width of such piers, columns,

posts or pillars, and not less than twelve inches in thickness; and, if built of stone, the stone thereof shall not be less than two feet by three feet, and shall be at least eight inches in thickness; all base stones shall be well bedded and laid edge to edge; if the walls be built of isolated piers, there must be inverted arches at least twelve inches thick, turned under and between the piers, or two footing courses of large stone, at least ten inches thick in each course. All foundation-walls shall be built of stone or brick, and shall be laid in cement or lime and sand mortar, and, if constructed of stone, shall be at least eight inches thicker than the wall next above them to a depth of sixteen feet below the curb level, and shall be increased four inches in thickness for every additional five feet in depth below the said sixteen feet; and, if built of brick, shall be at least four inches thicker than the wall next above them, to a depth of sixteen feet below the curb level, and shall be increased four inches in thickness for every additional five feet in depth below the said sixteen feet.

Dwelling houses, stores, storehouses, etc., more than thirty feet wide, how to be built.

§ 27. Every dwelling house, store, store-house or other building, more than thirty feet in width, shall be built in such manner that all the floors and roof thereof, throughout their whole extent, shall be supported by and rest upon one or more partition wall, or walls of brick and stone, not less than eight inches thick, running from front to rear, or upon proper and sufficient girders, sustained by proper and sufficient posts, pillars or columns of iron, brick or stone, and so that through the whole extent of such floor or roof, and each of them, the said walls shall not be distant from each other, or from such immediate support or supports of brick, stone or iron, more than thirty feet; but such intermediate support or supports may be wooden posts or pillars, of such quality and dimensions as shall be approved by the commissioners; and all such partition walls, which shall exceed thirty-five feet in height from the level of the sidewalk to the peak or highest part thereof, shall not be less than twelve inches thick; but in case said floor, or any of them, throughout their whole extent, be supported upon iron beams or girders of proper size and strength, resting upon the outer walls of such store, storehouse or other buildings and distant from each other not more than fifteen feet, then such store, storehouse or other buildings may be so erected as that, in the story or stories beneath each floor so supported, the lateral walls thereof may be distant from each other, or from a partition wall or walls, or intermediate supports as aforesaid, a distance of not more than forty feet. The provisions of this section shall not apply to churches, libraries, armories, theatres and other buildings devoted

TITLE XIII. wholly to public assemblies (provided, however, that all such buildings hereafter erected in said city shall be subject to the approval of the commissioners.) It shall be lawful to erect buildings not to exceed twenty feet in width and forty feet in depth, and sixteen feet in height to the highest point thereof, of walls of eight inches in thickness.

Walls, thickness of, etc.

§ 28. All walls, whether party or otherwise, of all brick or stone buildings hereafter erected in the city, shall not be less than twelve inches thick from the foundation or starting place to the peak or highest point thereof, but any building not exceeding twenty feet in width nor forty-five feet in depth, may be built above the foundation or cellar walls with eight inch side walls, which walls shall not be over thirty feet in height, from the level of the sidewalk to the peak or highest point thereof. The cellar walls of all party or outside walls which shall exceed forty-five feet in height, and shall not exceed fifty-five in height, if built of brick shall not be less than sixteen inches thick, exceeding fifty-five feet in height, of not less than twenty inches thick, if built of stone exceeding forty-five feet in height and not exceeding fifty-five feet, the cellar walls shall be twenty inches in thickness, exceeding fifty-five feet in height, twenty-four inches in thickness, and the story next above said foundation shall be increased four inches in thickness. But such buildings shall not be used as storehouses or manufactories of any kind or description, nor for the purpose of storing any kind of heavy goods, and the side walls of any such building may be built thirty-eight feet high from the level of the sidewalk, to the peak or highest point thereof, if the walls of the first story above the level of the sidewalk shall be built of a thickness of at least twelve inches from the commencement of the foundation, to the extreme height of the story above the level of the sidewalk; but such building shall not be used for the purpose of any manufactory of any description, or for a storehouse, or for the purpose of storing any kind of heavy goods. All walls required by law to be eight inches thick, the foundation thereof shall not be less than twelve inches if brick, not less than eighteen inches thick, if stone. All walls required by law to be twelve inches thick, the foundation thereof shall not be less than sixteen inches thick if brick, and not less than twenty inches thick if stone.

Stone walls, how to be laid.

§ 29. All stone walls less than twenty-four inches thick, shall have at least one header, extending through the walls in every three feet in height from the bottom of the wall, and in every four feet in length; and if over twenty-four inches thick, shall have one header, for every six superficial

feet on both sides of the wall, and running into the wall at least two feet. All headers shall be at least eighteen inches in width and eight inches in thickness, and shall consist of a good flat stone, dressed on all sides. In every brick wall every sixth course of brick shall be a heading course, except where walls are faced with brick, in which case every fifth course shall be bonded into the backing, by cutting the course of the face brick, and putting in diagonal headers behind the same, or by splitting the face brick in half, and backing the same by a continuous row of headers. In all walls which are faced with thin ashlar anchored to the backing, or in which the ashlar has not either alternate headers and stretchers in each course, or alternate heading and stretching courses, the backing shall be of hard burnt brick, not less than twelve inches thick, and all twelve inch backing shall be laid up in lime and sand, or cement mortar, and shall not be built to a greater height than prescribed for twelve inch walls. All heading courses shall be good, hard, perfect brick. The backing in all walls, of whatever material it may be composed, shall be of such thickness as to make the walls independent of the facing, and shall not be less than twelve inches in thickness.

Discharging or arch pieces used in chimneys, etc.

§ 30. All discharging or arched pieces used in the chimney of any dwelling, store, storehouse or other building, hereafter erected or built in the city of Brooklyn, shall recede from any flue in the chimney at least six inches, and no such chimney shall be started or built upon the floor or beams of such dwelling, storehouse or other building, but shall be started at the foundation; and all such chimneys and flues shall have the joints struck smooth on the inside; all hearths shall be supported by arches of brick or stone, and no chimney of any building now erected, or hereafter to be erected within the city of Brooklyn, shall be cut off, to be supported in any manner whatever, provided that such chimney must be supported by an additional wall of four inches, built on the inner side of said wall; but the chimneys of any building erected with twelve-inch walls may be started above the foundation of such building, provided the same are started from and wholly rest upon a base formed by racking out such twelve inch wall with brick or stone to an additional width of four inches. All chimneys projecting more than four inches from the inner side of said walls shall be started from the bottom of the foundation; and any chimney or chimneys within said city of Brooklyn, which shall be declared dangerous by the commissioners, shall be repaired or taken down.

Piers, etc.

§ 31. Every isolated pier, less than ten superficial feet at the base, and all piers supporting a wall built of rubble

TITLE XIII. stone or brick, or under any iron beam or arch girder, or arch on which a wall rests, or lintel supporting a wall, shall, at intervals of not less than thirty-six inches in height, have built into it a bond stone not less than four inches in thickness, of a diameter each way equal to the diameter of the pier, except that in piers on the street front above the curb the bond stone may be four inches less in diameter than the pier; and all piers shall be built of good, hard, well-burnt brick, and laid in cement mortar, and all bricks used in piers shall be of the hardest quality, and be well wet when laid; and the walls or piers under all compound, cast-iron or wooden girders, iron, or other columns, shall have a bond stone at least four inches in thickness, and, if in a wall, at least two feet in length running through the wall, and, if in a pier, the full size of the thickness thereof every thirty-six inches in height from the bottom, whether said pier is in the wall or not, and shall have a cap stone of cut granite, or blue stone, at least eight inches in thickness by the whole size of the pier, if in a pier, and, if in a wall, it shall be at least two feet in length by the thickness of the wall, and at least eight inches in thickness. In any case where any iron or other column rests on any wall or pier built entirely of brick or stone, the said column shall be set on a base stone of cut blue stone or granite, not less than eight inches in thickness, by the full size of the bearing of the pier, if on a pier, and, if on a wall, by the full thickness of the wall. In all buildings where the walls are built hollow, the same amount of stone or brick shall be used in their construction as if they were solid, as above set forth, and no hollow walls shall be built unless the two walls forming the same shall be connected by continuous vertical ties of the same material as the walls, and not over twenty-four inches apart. The height of all walls shall be computed from the curb level. No swelled or refuse brick shall be allowed in any wall or pier; and all brick used in the construction, alteration or repair of any building or part thereof, shall be good, hard, well-burnt brick, and, if used during the months of April to November inclusive, shall be well wet at the time they are laid.

Walls, anchors in, etc.

§ 32. In no case shall the side, end or party wall of any building be carried up more than two stories in advance of the front and rear walls. The front, rear, side and party walls of any building hereafter to be erected shall be anchored to each other every six feet in their height by tie anchors, made of one and a quarter inch by three-eighths of an inch wrought iron. The said anchors shall be built into the side or party walls not less than sixteen inches, and into the front and rear walls at least one half the thickness of the front and rear walls, so as to secure the front and

rear walls to the side, end or party walls; and all stone used for the facing of any building, except where built with alternate headers and stretchers, as hereinbefore set forth, shall be strongly anchored with iron anchors in each stone, and all such anchors shall be let into the stone at least one inch. The side, end or party wall shall be anchored at each tier of beams at intervals of not more than eight feet apart, with good, strong wrought-iron anchors, one-half inch by one inch, well built into the side walls, and well fastened to the side of the beams by two nails made of wrought iron, at least one-fourth of an inch in diameter; and where the beams are supported by girders, the end of the beam resting on the girder shall be butted together, end to end, and strapped by wrought iron straps of the same size and at the same distance apart, and in the same beam as the wall anchors, and shall be well fastened.

Gutters, cornices, etc.

§ 33. All wooden or timber gutters, or cornices of any building, store, storehouse or other building hereafter built or erected within the city, shall be firmly secured by irons, which shall not be more than seven and a half feet apart from each other; and on all such gutters, not exceeding twelve inches in width, the said irons shall be at least two inches in width and one-half of an inch thick, and on all such gutters exceeding twelve inches in width, the said irons shall be at least two and one-half inches in width and five-eighths of an inch thick; and the said irons, except those at the end of the cornice or gutter, shall be fastened or secured to the floor of roof-beam, and the end iron shall be fastened in the side walls. Provided, however, it may be lawful to erect bracket gutters, built in the wall and well secured to wall straps built in the wall at least every two feet.

Plate irons, etc

§ 34. All plate irons shall be built into the side or party walls, and the iron anchors used to secure the plate pieces shall be at least two inches wide and one-half inch thick; the anchors at the end of every plate piece shall be worked or built into the side or party walls of the building, and the said anchors shall turn down at least four inches. No stone or iron cornice or cornices shall project more than the thickness of the wall on which it rests, and the stone shall run through said wall; or in any case the greatest weight of stone or iron or other material shall be on the inside of said line of said wall or walls; all the mortar shall be made of clear sand and lime or cement in proper proportions; and in no case shall any loam or earthy matter be put in any mortar to be used in the erection of the brick, stone or foundation walls of any building or buildings.

TITLE XIII.] Wooden girders, etc., how placed.

§ 35. In no building shall any wooden girder, beam or timber, resting on the walls, be placed within eight inches of the inside of any flue, whether the same be smoke, air or any other flue, nor shall any header be placed within six inches of the inside of any flue, and the space between the wall and the header, if less than two inches, must be filled with plaster of paris. All furnace flues shall be lined with iron or vitrified earthen pipe.

Scuttles, fire escapes, etc.

§ 36. All scuttle frames or scuttle doors on every brick or stone dwelling, store, storehouse or other building hereafter to be erected or built within the city of Brooklyn, shall be made of or covered with copper, zinc, tin or iron, and every window and entrance above the first story, in the rear of every storehouse over thirty feet in height to the peak or highest part thereof, from the level of the sidewalks, shall have shutters and doors thereon, made of copper or iron, or other fireproof materials to be approved of by the commissioners. Every store, storehouse, or other building that now is or may be hereafter erected, shall have a scuttle or place of egress in the roof thereof, of proper size, to be approved by the said commissioners, and shall have ladders or stairways leading to the same; and all such scuttles and stairways or ladders leading to the roof shall be kept in readiness for use at all times. Any dwelling-house now erected, or that may hereafter be erected in the city, more than two stories in height, occupied by or built to be occupied by two or more families on any one of the floors above the first story, and all dwelling-houses now erected or that may hereafter be erected more than two stories in height, occupied by or built to be occupied by three or more families above the first story, and any building already erected or that may hereafter be erected more than two stories in height, occupied as or built to be occupied as a hotel, boarding or lodging-house, factory, mill, offices, manufactory or workshops, in which operatives are employed in any of the stories above the first story, shall be provided with such fire-escapes and doors as shall be directed and approved by the commissioners; and the owner or owners of any building upon which any fire-escapes may now be or may hereafter be erected shall keep the same in good repair and well painted, and no person shall at any time place any incumbrance of any kind whatsoever upon any said fire-escapes now erected or that may hereafter be erected in the city. Any person, after being notified by said commissioners, who shall neglect to place upon any such building the fire-escape herein provided for, shall forfeit the sum of five hundred dollars, and shall be deemed guilty of a misdemeanor.

Roof planking or sheathing.

§ 37. The planking or sheathing of the roof of every brick or stone dwelling, store, storehouse or other building, so erected or built as aforesaid, shall in no case be extended across the party or side walls thereof; and every such dwelling, store, storehouse or other building, and the top and sides of the dormer windows thereon, shall be roofed and covered with slate, iron, copper, tin, zinc or other fire-proof material, to be approved by the commissioners, and shall be equally capable of withstanding the influence of fire.

Beams or timbers, how to be laid.

§ 38. All beams or other timbers in the party or other walls of every dwelling, store or storehouse, or other building hereafter built or erected of brick or stone in the city, shall be separated from the beams or timber entering into the opposite side of such walls by the distance of at least four inches between the nearest points of such beams or timber, except that in eight inch walls the butts or ends of the beams shall be cut on a splay of two and one-half inches in their width. No wood or wood-work shall be placed within five inches of any flue. All plate pieces in the front or rear walls thereof shall recede from the outside of such walls at least four inches, and all side or party walls of such buildings shall be built up and extended at least six inches above the planking or roofing, and shall be covered with a coping of stone or iron. Provided, that where mansard or French roofs are built over one or more buildings, the partition or division walls so roofed shall be carried up three inches above the roof planking, and shall be coped with stone or iron, or other fire-proof material.

Proviso as to mansard roofs.

Timbers in front or rear walls.

§ 39. No timber shall be used in the front or rear walls of any dwelling, store or storehouse, or other building hereafter built or erected within the city, where stone, brick or iron is commonly used; each lintel on the inside of the front or rear walls or side walls shall have a secure brick arch over it, and no wall strips in any wall thereof shall exceed in thickness one-half of an inch, and in width two and one-half inches; and no bond timber in any wall thereof shall be more than four feet in length, and such bond timbers shall be laid at least eighteen inches apart from each other, longitudinally, or either side of any wall, and the continuous line thereof shall be broken every four feet by inserting bricks of not less than twelve inches; and no front, rear or other wall of any such dwelling, store, storehouse or other building now erected or hereafter to be erected as aforesaid within the city, or any brick or stone building or buildings in the city, shall be cut off or altered below, to be supported in any manner in whole or in part by wood, but shall be wholly supported by brick, stone or

TITLE XIII.

iron; and no wood or timber shall be used between such wall and such wall and such supporters; but it shall be lawful to insert a lintel of wood over the doors and windows of the first story of stores, of oak or Georgia pine, of such length and size as shall be first approved and determined by the commissioners.

Wooden gutters to be lined.

§ 40. All wooden gutters of every brick or stone dwelling, store, storehouse or other building hereafter to be erected or built within the city, shall be lined or covered on the upper surface thereof with copper, zinc, tin or iron, or other fire-proof material, to be approved of by the commissioners.

Re-roofing of wooden buildings.

§ 41. If any brick-front frame dwelling-house or wooden building already erected within the fire district, or as the same may be extended, having a board or shingle roof, shall require new roofing, it shall and may be lawful for the owner or owners, or proprietors thereof, to put on a new roof of boards or shingles, and it shall be lawful for the proprietor or proprietors, owner or owners thereof, to substitute a flat in place of a peaked roof, provided that such new roofing shall be made of copper, slate, tin, iron, zinc or other fire-proof material, to be approved by the commissioners, and be equally capable of withstanding the influence of fire; provided, also that it shall not be lawful in substituting a flat roof to carry up the front or rear of any frame building to a greater height than the original peak. And it shall and may be lawful for the owner or owners, or proprietors of any frame dwelling-house or wooden building with flat roof within the said district, or as the same may be extended, to raise any such building, provided the same be supported front and rear and on both sides to the height raised, by walls of brick or stone, not less than twelve inches in thickness, and also provided that such building when raised shall not exceed thirty-five feet in height from the level of the sidewalk to the highest part thereof.

Steeples, cupolas, etc.

§ 42. All steeples and cupolas and spires of churches or public buildings shall be covered with slate, tin, zinc, copper or other fire-proof material; churches and such other public buildings shall be excepted from the operation of such provisions of the act as relates to iron and copper shutters.

"Public buildings" defined.

§ 43. Public buildings mentioned in the preceding sections are hereby defined to be such buildings as shall be owned and occupied for public purposes for this State, the United States, the corporation of the city of Brooklyn or public schools within said city.

Privies.

§ 44. All privies not exceeding ten feet square and fifteen feet in height, and all ferry-houses which shall be erected with the express permission of the said corporation, may be built and covered with wood, boards and shingles.

Ash houses.

§ 45. All ash-holes or ash-houses within the said district of the city of Brooklyn shall be built of brick or stone, without the use of wood in any part thereof.

Wooden or frame buildings, alteration of, etc.

§ 46. No wooden or frame building, whether the same may have a brick front, or otherwise, shall be altered, raised, enlarged or built upon, nor shall any such building or buildings be removed from any lot out of the building district, to any lot within said district, or as it may hereafter be extended, nor removed from any lot within the building district to any other lot also within the building district, without the permission of the commissioners, and the written consent of the next adjoining property owners, first had and filed with the said commissioners, provided, however, that brick front dwelling houses, and wooden buildings only may be raised, enlarged, or built upon under the circumstances, and in the manner especially provided for in section forty-one of this title.

With brick front damaged by fire, when may be rebuilt.

§ 47. Every wooden or frame building, with a brick front or otherwise, that shall be damaged by fire, to an amount not greater than one-half of the value of said building immediately before such fire, may be repaired or rebuilt pursuant to section forty-one of this title; but if such damage amounts to more than one-half of such value, then such building shall not be repaired or rebuilt, but shall be taken down by order of said commissioners.

Extent of damage, how determined.

§ 48. The amount or extent of such damages by fire, in case of a disagreement in relation thereto between the commissioners and the owners of such damaged building, shall be determined by two disinterested persons residing in the city, one of whom shall be appointed by the owner or owners of such building, or his or their lawful agent, and one by the commissioners; and in case such two persons disagree, they shall select a third disinterested person, and the decision in writing of any two of them shall be final and conclusive in the premises, and such building shall not be repaired or rebuilt until after the appointment of such persons as aforesaid, nor until after their decision shall be made in writing as aforesaid, finding that such damages do not exceed one-half of the value of such building as it existed before such fire. In case it is rebuilt it shall have a fire-proof roof, and not exceed the provisions of section forty-one of this title.

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Alterations, etc., when not to be made.

§ 49. No brick or stone dwelling-house, store-house, or other building, now erected or hereafter to be erected, shall be altered, raised, roofed, enlarged or built upon in any such manner that, were such dwelling, store, storehouse or other building, wholly built or constructed after the passage of this act, it would be in violation of any of the provisions of this act. And all buildings built of stone, brick or iron, and all wooden buildings, with or without brick fronts, before the same shall be enlarged, altered, raised or built upon, shall first be examined by the commissioners to ascertain if the building or buildings, or either of them, are in good or safe condition to be raised, altered or enlarged, or built upon; and no such building as aforesaid shall be enlarged, altered, raised or built upon, until after such examination and decision; and the decision of said commissioners after such examination shall be made without delay. Whenever said commissioners shall grant a permit for the erection of any new building, or the alteration of any existing building, they shall make a record of such permit, describing the exact location, by what number or otherwise, and they shall forthwith transmit a copy of such record to the board of assessors.

Record of permit to be kept.

Penalty for violation by owners, lessees or builders.

§ 50. The owner or owners of any dwelling-house, store, storehouse or other building, or of any ash-house, ash-hole or wooden shed, whether he or they be the owner or owners of the land in fee, or be the lessee or lessees thereof, or has or have a qualified or contingent interest therein by virtue of some agreement or contract in writing or in any other manner, who shall violate or permit any violation of any of the provisions of this act, or any ordinance passed in pursuance thereof, and the owner or owners of any lands or premises upon which any violation of the provisions of this act, or of any ordinance passed in pursuance thereof, may be made, and every master builder, carpenter, mason or roofer, who may be employed or assist thereon, shall severally, for each and every violation respectively, forfeit and pay the sum of five hundred dollars, and pay in addition thereto the sum of fifty dollars for every twenty-four hours such violation shall remain after the time designated in the notice given in writing to remove the same shall have expired. Such notice may be given by the commissioners, and such notice may be given by serving the same personally or on the agent of such owner or owners, master builder or builders, or master mason, carpenter or roofer, or by posting the same in some conspicuous place where the violation exists; and such additional penalty shall be computed and recovered up to the trial of every suit for the recovery thereof, and in case such violation shall continue after the trial of such suit, such continuing ad-

Notice how served.

ditional penalty, computing from time of such trial, may be recovered in any suit or suits to be brought for that purpose. The premises, realty, property and lot of land attached to and upon which violations may have been made or shall exist, shall be liable and held for the payment of such penalties; notice of the commencement of an action for the recovery of such penalty shall be filed in the office of the clerk of the county of Kings, which notice shall describe the property affected thereby, and from the time of filing such notice, said penalties, until paid and discharged, shall be and become a lien thereon to the extent of the legal or equitable interest of the owner or owners therein; provided, however, in all cases of violation that shall exist at the time that this act shall take effect, no penalty for any failure to abate such violation or violations shall become a lien upon the real estate until after a notice of ten days shall have been given, requiring the abatement of such violation or violations, which notice shall be given in the same manner as herein provided for the giving of notices for the abatement of violations.

Premises held for payment of penalty.

§ 51. No building situated, or hereafter erected in the city, occupied in whole or in part as a dwelling, or occupied by any family or families, shall have any hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene or any other combustible material stored therein, or in any part thereof, or kept on sale except in such quantities as shall be provided for by law, or by ordinance of the common council of said city.

Storing of hay, straw, etc., in dwelling houses prohibited.

§ 52. The occupant or occupants of any store, storehouse, manufactory, or other building, in which hatchways or hoistways or openings of any kind, except the usual stairway, are used throughout any or either floor thereof, or in case the said store, storehouse or manufactories are unoccupied and not leased, the owner or owners thereof, and in case they are leased the lessee or lessees thereof, shall cause the said hatch or hoistways or other openings, unless said openings are surrounded by a substantial and permanent railing, at least three feet in height, to be securely shut, closed and fastened, at the close of each and every day. For each and every neglect of or violation of any of the provisions of this section, the said occupant or occupants, lessee or lessees thereof, shall forfeit and pay the sum of fifty dollars for each and every hatch or hoistway so left open in each and every floor in any building under their control.

Hatchways, etc., in stores, etc., when to be closed.

Penalty.

§ 53. The commissioners shall examine all buildings in course of erection, alteration and repair at least once a

Examination of buildings in

TITLE XIII. course of erection.

week, and inquire into all violations of any law of the State, or ordinance of the city, for regulating the erection or altering of buildings, and shall report in writing forthwith to the common council all violations of any of the several provisions of this title, together with the street and number of the building or premises upon which violations are found, and the names of the owners, agents, lessees, occupants, builders, masons, carpenters, roofers, furnace builders and architects, and all other matters relative thereto.

When common council to direct action to be brought.

§ 54. Whenever the commissioners shall officially report to the corporation counsel that any building is being built or altered within the city in violation of any of the provisions of this act, or in such manner that such building would be dangerous and insecure, the said corporation counsel shall forthwith commence an action in the name of the city, in any court or record, against the owner or builders of any such building, or of the lands and premises upon which such building may be situated, or both, perpetually to restrain such erection or alteration of such building, and for that purpose it shall be the duty of any judge of the court in which such action may be commenced and of any officer authorized by law to perform the duties of such judge at chambers, upon satisfactory proof that such certificate has been made by said commissioners, to make an injunction order restraining such owners or builders, or both, from the further erection or alteration of such building until the further order of the court in which said action shall be commenced, and the court by its judgment may grant the relief above mentioned.

Courts may decree that buildings erected in violation of this title shall be taken down.

§ 55. The supreme court of the State of New York, the county court of the county of Kings and the city court of Brooklyn, shall, upon petition, respectively, have power and jurisdiction to adjudge and decree that any store, storehouse, dwelling or other building that has or may hereafter become dangerous or insecure, or any building erected or altered, or in the course of erection or alteration, in violation of the provisions of this title, shall be taken down and removed, or repaired and supported in a proper manner. Any owner, agent, lessee or occupant of any building, against which a decree shall be made as hereinbefore provided, who shall neglect, refuse or fail to comply with the terms of any such decree, shall be deemed guilty of contempt, and be punished, as now provided by law for the punishment of contempt.

Semi-annual examination of dwelling houses etc.

§ 56. The commissioners shall, twice in each year, namely, in the months of June and December, and as much oftener as they may think proper, examine, or cause to be

examined, the dwelling houses and other buildings in the city, for the purpose of ascertaining all violations of any laws and ordinances for the more effectual prevention of fires, and also to inspect the fire-places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, heaters, and all chemical apparatus or other things and substances which, in their opinion, may be dangerous in causing or promoting fire, or dangerous to firemen or occupants in case of fire, and also the places where the ashes may be deposited; and it shall be lawful for them or any of the inspectors to enter into or upon any lands or buildings for the purpose of such inspection; and it shall be the duty, upon finding anything defective or dangerous, to direct the owner or occupant, by a written or printed notice, to alter, remove or amend the same, in such a manner and within such a reasonable time as they may deem necessary; and in case of any neglect or refusal to do so, the party offending shall forfeit and pay the sum of fifty dollars, and for every twenty-four hours after the time allotted aforesaid to alter, remove or amend the same in conformity with the directions aforesaid, the party or parties offending shall forfeit and pay the further sum of ten dollars.

Civil penalties, compromise of.

§ 57. The common council of the city are hereby authorized in cases in which the commissioners shall certify that the public safety will not be endangered, to compromise the civil penalties provided for under this title, and in such cases to suspend the operations of any of the provisions thereof. The commissioners shall have power to select such number of inspectors as the common council shall direct. Such inspectors shall be called inspectors of buildings; they shall be practical masons and carpenters, and shall have had five years' experience as such. Said commissioners shall also have power to select such number of clerks as the common council shall direct.

Inspectors.

Petroleum, etc., how to be stored or kept.

§ 58. No person shall have, keep upon sale, or store in any place or building within the corporate limits of the city of Brooklyn, any crude petroleum, dualin, gasoline, earth or rock oil, or any of its products, except under the following provisions: crude petroleum, earth or rock oil, or any of its products, may be stored in detached and properly ventilated warehouses, the outer walls of which shall be stone, brick or iron, especially adapted for the purpose, by having raised sills at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or the adjoining yard, or so constructed as to actually prevent the overflow of such substances beyond the premises, where the same may be kept or stored, which said warehouse shall not be occupied in any part as a dwelling,

TITLE XIII. and, if less than fifty feet from any adjacent dwelling, the same must be separated by a brick or stone wall, at least ten feet in height, and sixteen inches thick, constructed in such a manner as the commissioners of the department of fire and buildings may prescribe; but the same may be stored in such other manner as said commissioners may designate, under a special permit issued therefor. No refined petroleum, kerosene, earth or rock oil, or any product thereof, to be used for illuminating purposes, shall be kept upon sale or stored within the corporate limits of the city of Brooklyn, the fire-test of which shall be less than one hundred and ten degrees Fahrenheit. Said test shall be determined by inspectors, authorized by said commissioners, using G. Tagliabue's instruments, or such other instruments as may be designated by said commissioners. No refined petroleum, kerosene, dualin, gasoline, earth or rock oil, when stored above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of fifty of said barrels; provided, however, that the whole quantity of said refined oils that may be so kept or stored over night shall not exceed the contents of ten of said barrels, unless stored in the manner provided for storing crude petroleum; and when stored in cellars or basements surrounded by walls of brick or stone, and at least two feet below the level or grade of the sidewalk, street or land adjacent, the whole quantity shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses, specially adapted for that purpose, as required for the storage of crude petroleum under this section; provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling. No benzine, benzole, gasoline, naptha, camphene, burning fluid, or products or compounds containing any of said substances, shall be kept or stored on or above the first story or floor of any building, exceeding in the whole quantity the contents of five barrels of forty gallons each, nor more in quantity than the contents of twenty of said barrels in the whole when stored below the first floor, unless kept in the manner provided for storing crude petroleum; nor shall more than one barrel in quantity of said last above named articles be kept in any building occupied in any part thereof as a dwelling. In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building, or in or upon the streets, docks, piers, bulkheads, slips, highways or public places, a longer time than is actually necessary for the removal or loading of the same; and said commissioners may establish and enforce general regulations, and issue such orders and especial di-

rections relative to the handling, lightening, carting, loading, unloading, and transportation of the several articles named under this section, as in their discretion shall be deemed necessary for the public protection; and said commissioners may issue special permits authorizing the keeping of any of the articles enumerated under this section in buildings, tanks or structures fire-proof throughout, in such quantities, in such manner, and subject to such regulations as shall tend to secure the same against danger. No person shall sell at retail any kerosene or other product of petroleum, dualin, gasoline, to be used for illuminating purposes, without first obtaining a license therefor from the said commissioners, under such rules and regulations as they may prescribe, which license shall be for the term of one year, and shall not be transferable; and for every such license, and for every renewal of the same, the said commissioners shall demand and receive the sum of five dollars; said license shall be posted in a conspicuous place in the store of the person or persons to whom the same is issued, and may be revoked for cause by said commissioners. Any person who shall sell any of the compounds above mentioned in this section, without first obtaining a license therefor, shall forfeit and pay the sum of twenty-five dollars. In case any person is burned by the explosion of any compound, the sale of which is prohibited by any section of this act, or has not been inspected or licensed as therein provided, and death ensues therefrom, the person found guilty of selling the same shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than one thousand dollars, or by imprisonment in the state prison for a term not less than one year, nor more than five years. And any dealer who shall present and deliver for inspection a sample oil different from and which does not represent the quality of oil actually kept by him or her for sale, and not taken from the actual stock being offered for sale, and of the same quality therewith, shall forfeit and pay the additional sum of fifty dollars.

No person to sell kerosene, etc., without license.

§ 59. Any person, persons or corporation, for the violation of or non-compliance with any of the several provisions of the several sections of this act, when the penalty is not therein specially provided, shall severally forfeit and pay a fine or penalty in the sum of fifty dollars for each and every offense, or shall forfeit and pay the penalties respectively imposed under any of said sections, and shall also be severally liable for the removal, amendment or abatement of any violation of or non-compliance with any requirement under said sections, and shall also be severally liable for the payment of the further penalty of the sum of fifty dollars for

Penalty for violation of provisions.

TITLE XIII.

any violation of or non-compliance with any regulation, order or special direction issued by said commissioners as authorized under this act.

License fees and penalties to be paid into Firemen's Insurance Fund.

§ 60. The commissioners of the department of fire and buildings of the city of Brooklyn are hereby authorized and empowered add specially charged with the duties of enforcing the several provisions of this act in so far as it relates to their department, and are hereby authorized and empowered to receive and collect all license fees herein provided for in their department, and pay the same into the treasury of said city for the use and benefit of the Firemen's Insurance Fund. The attorney and counsel of the city shall, in the name of and for the use and benefit of the Firemen's Insurance Fund, sue for and recover and collect all penalties and costs imposed under the provisions of this act in the manner provided for in actions under the code of procedure.

Commissioners to investigate origin, etc., of fires, and as to delinquencies of officers, employees, etc.

§ 61. Said commissioners are hereby authorized and empowered to investigate, examine, and inquire into the origin, details and management of fires in said city, and also of any supposed cases of violations of any of the several provisions of law under this act, or any of the several regulations, orders or special directions issued by said commissioners for the purpose of the discovery of any delinquency in the non-performance of duty, or violation of discipline on the part of any officer, agent, or employee of said commissioners, or any supposed cases of arson or incendiarism, which may be brought to their notice; and said commissioners, in and about any examination, investigation or inquiry, authorized hereby, touching any matter or thing therewith connected, may subpœna and compel the attendance of any person or persons, and the production of any books, papers, archives or documents in his or their possession, or under his or their control, in the judgment of said commissioners, connected with and necessary to such examination, investigation, or inquiry before them, at the time and place therein named; and for the purpose aforesaid, the attorney and counsel to the city of Brooklyn, may at any time obtain to be issued subpœnas out of the supreme court, issued under the name of a justice of said court, in like form and with like effect as though issued by said justice in any action pending in a court of record; and said subpœna may be served, and proof of such service may be made in the same manner as now by law provided for the service of subpoenas out of the said court; and upon proof of service and proof of non-compliance, failure to attend and testify on the part of any person or persons, as required by said subpœna, or a failure or refusal on the

part of said person or persons, to produce any such books, papers, archives, or documents, in his or their possession, or under his or their control, or a failure or refusal on his or their part to answer any question put to him or them, and pertinent thereto, upon any examination, inquiry, or investigation as aforesaid, application may be made before any justice of said court, who shall, in case he shall decide such question pertinent and proper to be answered, thereupon cause to be arrested, and may punish as for a contempt of the orders of said court, the person or persons named in said subpœna, and in such case the laws, rules, and proceedings relating to punishments for contempts, and usual in said court, or before any justice thereof, shall be applicable thereto. Said commissioners in conducting any examination or inquiry as aforesaid, may cause to be administered, by a commissioner of deeds or notary public, any oath, or affirmation, in the manner and form usually administered in said supreme court, and any false swearing, under said oath or affirmation thus administered, shall be perjury, and punishable as such, in such manner as now provided under the law applicable thereto; and said examination or investigation may be continued and adjourned by the said commissioners conducting the same, from time to time, and at such time and place as shall be designated, and any person subpœnaed as aforesaid, shall attend and testify upon said adjourned day or days, and at the time and place designated, and of which they shall have been notified, as though the same had been named in said subpœna, and with like effect as to any failure to appear and answer under the requirements therein contained; provided that any testimony or evidence taken as aforesaid, shall be for the information and instruction of said commissioners in the discharge of their duties, and in the prevention of future fires, and the protection of property, and shall be carefully kept in the archives and possession of said commissioners, and shall in no manner be used in any criminal proceeding or action, but may be placed before any grand jury in the county of Kings.

These provisions declared a public act.

§ 62. This Act is hereby declared a public Act, and all courts and tribunals, or any judge or justice, shall take cognizance thereof, and give force and effect to its several provisions; and all courts of civil jurisdiction, in said city, shall have jurisdiction over all suits herein authorized to be brought, and, upon the rendition of a verdict, report of a referee, or decision of a judge or justice for the recovery of the amount of any penalty or penalties in any action brought therefor, shall give judgment for the amount of all penalties and costs, and for the removal, amendment, or abatement of any matter or thing as shall be proper and necessary to give effect to the several sections of this Act.

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Repealing clause.

§ 63. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

TITLE XIV.

OF THE DEPARTMENT OF CITY WORKS.

SEC. 1. Department of whom to consist—Commissioners to have control of—Water works—Sewers—Streets, etc.—Public roads—Buildings—Vacant lots—Cisterns—Cleaning streets—Wells and pumps—Surveys, maps, etc.—Salaries of.
2. Powers and duties.
3. Bureaus—Having charge of water works, sewers, etc.—Water pipes, water metres, etc.—Collection of the revenue from the sale of water—Sewerage—Street cleaning, fuel, furniture, etc.
4. To furnish registrar of arrears with statement of moneys for redemption of property sold for unpaid water rates.
5. Accounts to be transmitted yearly of all items for water rates unpaid.
6. Water rates to be a lien.

Department, of whom to consist.

SECTION 1. There shall be a department of city works, consisting of a president and two commissioners. The present president and commissioners shall be the president and commissioners of the department of city works, and shall serve out the term of office for which they were respectively appointed. On the expiration of the term of office of the president and the commissioners of the said board, and every two years thereafter, the president and commissioners shall respectively be appointed by the mayor, with the consent of the board of aldermen, and all appointments to fill vacancies shall be made in like manner.

Commissioners to have control of.

Said commissioners shall have charge and control, subject to the direction of the common council:

Water works.

1. Of all structures and property connected with the public water works, the supply and distribution of water, and the collection of the water revenue.

Sewers.

2. Of construction and maintenance of public sewers and drainage.

Streets, etc.

3. Of opening, altering, regulating, grading, regrading, curbing, guttering and lighting streets, avenues, places and roads, flagging side-walks and laying cross-walks.

Public roads.

4. Of constructing and repairing public roads, extending beyond the limits of paved streets.

Buildings.

5. Of the care of public buildings and offices.

Vacant lots.

6. Of the filling of sunken lots and fencing of vacant lots.

Cisterns, etc.

7. Of digging down lots, licensing of street vaults, cisterns and cesspools.

6. Of paving and repaving and repairing and cleaning streets, avenues and places, and keeping the same clear of encroachments, obstructions and incumbrances. Cleaning streets.

9. Of digging, constructing and repairing wells and pumps. Wells and pumps.

10. Of making and preserving all surveys, maps, plans, estimates and drawings relating to the laying out and improvements of streets, avenues, roads and sewers; the construction, altering and repairing of public structures, buildings and offices, and all other public works under the care of the said department. All moneys remaining in the possession or under the control of the present board of commissioners of city works shall be by them paid to the city treasurer, and his receipt therefor taken and filed in the department of finance, together with a full statement of the same, together with bonds and certificates of indebtedness which may then be in the possession of said board. The president shall receive an annual salary of seven thousand dollars, and each of the said commissioners shall receive an annual salary of six thousand dollars. Said board may appoint a secretary and fix his compensation. Surveys, maps, etc. Salaries.

§ 2. The department hereby created shall possess the like powers and perform the same duties as the said department of city works, to be superseded as herein provided, possessed and was authorized to perform under existing laws for and within the said city of Brooklyn, except as modified by this act, and except that the exercise of such powers shall be under the direction and control of the common council, and provided that after a contract for an improvement has been entered into by the said board, the execution of the work shall be under the sole control of the said board; and nothing herein contained shall be construed as conferring on the common council any of the executive powers vested by law in the said board concerning the details of carrying on any of the said improvements. Powers and duties.

§ 3. There shall be the following bureaus in the department of city works, the chief officers, subordinates and employees of which shall be appointed and removed at pleasure by the board of commissioners of city works: Bureaus.

1. A bureau having the care of all the ponds, conduits, reservoirs, engines, pumps and lands connected with water-works; the construction of any new work relating thereto; the construction of sewers; the grading, curbing, guttering, paving, repaving and repairing of all streets, avenues and places; constructing and repairing roads, flagging and Having charge of water works, sewers, etc.

TITLE XIV. repairing sidewalks, laying cross-walks, filling sunken lots, digging down lots, fencing lots, constructing and repairing of wells and pumps, setting of lamp-posts, building docks, bulkheads and repairing the same, building and repairing bridges; making and preserving all maps and surveys, plans, estimates and drawings, relating to the laying out, regulating, grading and paving of all streets and avenues, and any other public improvement to be done by or under the supervision of the department, and the supervision of altering and repairing all public buildings, offices and structures, the chief officer of which shall be called "the chief engineer."

Water pipes, water meters, etc.

2. A bureau having the care of the extension and distribution of the water, laying of the water-pipes, the setting of all water meters, taking and preserving their record, the sale of water to shipping, the setting and repair of fire and drinking hydrants, the chief officer of which shall be called the "water purveyor;" provided, that the said board shall not have the power to direct the use of any special stop-cock or other plumbing material, but may prescribe the size and strength.

Collection of the revenue from sale of water.

3. A bureau for the collection of the revenue arising from the sale and use of water, the chief officer of which shall be called the "water registrar," and the provisions of the fifth section of title seven of this act shall apply to the registrar of water rates in like manner as they apply to the collector of taxes and assessments.

Sewers.

4. A bureau for the inspection, cleaning, granting permits for sewer connections and their inspection and the general care of all sewers, to be called "superintendent of sewers."

Street cleaning.

5. A bureau having the care and charge of street cleaning, removing ashes and garbage, keeping the streets, avenues and places free and clear of all encroachments, obstructions and incumbrances, regulating the occupancy of streets by licensed hacks, carts and trucks, granting builders' permits, numbering of streets, putting up street signs, cleaning and repairing public lamps, inspection of gas and lamps, the erection of awnings, the chief of which shall be called the "superintendent of streets."

Fuel, furniture, etc.

6. A bureau having charge of furnishing fuel, furniture, utensils, books, stationery and all needed articles for all public offices (including the city courts,) excepting as may be otherwise provided for, and all supplies shall only be furnished upon a requisition signed by the proper officers

and approved by the heads of the department; the chief of such bureau shall be called "superintendent of supplies."

To furnish registrar of arrears statement of moneys for redemption of property sold for unpaid water rates.

§ 4. The department of city works shall, within thirty days after the passage of this act, cause to be prepared and furnished to the registrar of arrears a statement of all moneys theretofore received and then remaining in its custody or under its control, for the redemption of property sold for unpaid water rates, giving the dates when received and the names of the owners or other persons from or on whose account and behalf the same was received, together with a brief description of the property sold, the date when sold, and the name of the purchasers thereof. The said statement shall be signed by the president of the board of city works and be verified by the oath of the water registrar, or other officer having personal knowledge of the facts, to the effect that the same contains a full and true account of all moneys theretofore received by said department for such redemption which have not been duly paid over to the purchasers of such property or their representatives. The said department of city works shall, at the time of rendering such statement to the registrar of arrears, pay over the amount of such redemption money so remaining in its custody or under its control to the treasurer, taking his receipt therefor, which shall, on the same day, be filed in the comptroller's office, and thereafter no such redemption moneys shall be received by said department of city works or its subordinates. The said department of city works shall, within forty days after the passage of this act, also furnish to the registrar of arrears an account of all property which has been sold for water rates, and has not been redeemed, and the term for which it has been sold.

Account to be transmitted yearly of all items for water rates unpaid.

§ 5. The said department of city works shall cause to be prepared and transmitted to the registrar of arrears, on the first day of September next after the passage of this act and in each year thereafter, a separate account for each ward of all items for water rates of the last preceding water year ending on the last day of April, which may remain unpaid, with the amount due on each lot, and shall include in such account all amounts for water rates of any previous year which may have been omitted in former returns to said registrar, and shall, at the same time, notify the comptroller, in writing, of the aggregate amount of such arrears of each year so returned; and said department shall thereafter receive no payments on account of the same, but may, nevertheless, certify to the registrar of arrears any omissions or overcharges which may have been made in any such return to him, which shall, upon such certificate, be duly added or canceled by said registrar;

TITLE XIV. provided, however, that no such amount shall be canceled or remitted after the same has been settled.

Water rates to be a lien.

§ 6. All regular rates heretofore laid or which may hereafter be laid for the use of water, together with the interest chargeable thereon, shall be a lien upon the premises on which they are charged, and may be collected from the owner or occupants; such liens shall be enforced in the same manner as herein provided for the collection of taxes. All charges for extra water shall be payable by the person using or receiving such extra water at such times and in such manner as the common council, or, in default thereof, the commissioner of the city works may direct.

TITLE XV.

OF THE DEPARTMENT OF PARKS.

SEC. 1. Term of office of commissioner—How appointed.
2. Powers.
3. Receipts and expenditures.

Term of office of commissioners.

How appointed

SECTION 1. The present Brooklyn park commissioners shall be the department of parks, and they shall continue in office until the first day of January, eighteen hundred and eighty, and they shall serve without compensation, and at the first meeting of the common council in eighteen hundred and eighty, and every two years thereafter, the mayor shall nominate, and, with the consent of the common council, appoint a successor to each of said commissioners.

Powers.

§ 2. The powers heretofore exercised by the Brooklyn park commissioners are hereby transferred and vested in the said department of parks, subject in all things to the direction of the common council.

Receipts and Expenditures.

§ 3. All moneys received by said department shall forthwith be paid into the city treasury, and all expenditures for or by the said department shall be provided for by the common council, and shall be paid from the city treasury as the same shall be needed, on the certificate of the auditor, under the same rules and regulations governing the expenditures of other departments provided for herein.

TITLE XVI.

OF THE BOARD OF PUBLIC INSTRUCTION.

SEC. 1. Department of public instruction.
2. Vacancies in board of education, how filled—Term of office.

Department of Public Instruction.

SECTION 1. There shall be a department of public instruction, which shall be under the control of a board of

education, and all the provisions of law relating to the present board of education of the city of Brooklyn shall apply thereto, except so much as relates to the appointment of members thereof, which shall be made in the following manner:

Vacancies in board of education, how filled.

§ 2. On and after the first Monday of June, in the year one thousand eight hundred and seventy-four, and in each year thereafter, the mayor of the city of Brooklyn shall nominate, and with the approval of a majority of all the members elected to the board of aldermen thereof appoint competent and suitable persons, residents of said city, to fill vacancies in said board of education, occasioned by the expiration of the term of office of members of said board. The term of office of such persons shall be three years, and in making such appointments care shall be taken to preserve, as near as may be, the representation in said board of at least one member from each school district. The persons so appointed shall hold office until their successors shall be appointed. In case the said common council shall not so approve the nominations made by the mayor or any of them as aforesaid, within ten days from the time of the making of such nomination, then the mayor shall nominate other persons for said offices, and shall continue to nominate until all of the said offices shall have been filled in the manner hereinbefore provided.

Term of office.

§ 3. All vacancies in said board, occasioned otherwise than by the expiration of the term of office, shall be filled on the nomination of the mayor, with the approval of the board of aldermen.

TITLE XVII.

OF CONTRACTS.

SEC. 1. To be under control of common council—How to be made—To be awarded to lowest bidder.
2. Repairs of dangerous streets.
3. Indorsements to be made on contracts by comptroller.
4. Penalty for voting to authorize expense when means to meet same shall not be provided.
5. Contracts for gas to provide for lighting the same.
6. When work may be done without calling for proposals.
7. When supplies shall be ordered for police and excise and fire departments.

To be under control of common council.

SECTION 1. All contracts and agreements by which the city shall be held liable to pay money, shall be under the authority of the common council, except for salaries and those made for the management and control of the water works, the maintenance of sewers, and the repairing of streets, but the amount expended for the above-named purposes, shall not exceed the sums appropriated therefor by the common council, or the amount authorized to be expended by issue of bonds under heretofore existing laws.

TITLE XVII.

How to be made.

All contracts other than for the above excepted purposes, exceeding in amount the sum of two hundred and fifty dollars shall be made in the following manner: Whenever any work, materials or improvements shall have been duly declared to be necessary by said common council, they shall authorize the department of city works, and it shall be the duty of the department so authorized to advertise in the corporation newspapers, for at least ten days, inviting bids or proposals therefor under seal to be sent to the board of city works, which bids or proposals shall be publicly opened and announced at the next meeting of the said board, with the name of the bidder, the rate or amount proposed, and the names of the sureties; and before awarding any contract, all the bids or proposals received shall be published for at least six days in the newspapers aforesaid. All contracts shall be awarded to the lowest bidder, and be executed by the mayor and the department of city works, and shall be attested by the city clerk; provided that, upon the application of the president of the department of city works or head of other department, the board of aldermen may, and are hereby empowered, by a two-third vote, to authorize the department of city works to execute a contract to others than the lowest bidder; and no contracts shall be made or liability to pay be incurred, the expense of which is provided by law to be met by local assessment, until the jurisdictional or other proceedings for and in the assessment have been examined and certified to be correct and sufficient by the department of city works, and attorney and counsel to the corporation.

To be awarded to lowest bidder.

Repair of dangerous streets, etc.

§ 2. In case any street, public building, highway, sidewalk, crosswalk or bridge shall become dangerous, the commissioners of the city works shall examine the same, and, with the approval of the mayor, shall cause the same to be repaired or removed, provided that the expense of such repair or removal shall not exeeed in amount the sum of one thousand dollars in any one case; and to meet such expenses, the comptroller shall issue certificates of indebtedness, the payment of which shall be provided for in the next annual budget.

Indorsements to be made on contracts by comptroller.

§ 3. No contract or agreement for any purpose, involving the payment of any money, shall be valid and binding against said city, unless the comptroller shall certify or indorse on such contract or agreement that the means required to make the payments under such contract are provided and applicable thereto. Any such indorsement falsely made shall be a misdemeanor, and the offender, on conviction thereof, shall cease to hold his office, and his official

term shall cease and determine, and the mayor shall nominate, and with the consent of the board of aldermen appoint, some suitable person to discharge the duties of comptroller, with all the duties, liabilities and responsibilities of said office, who shall serve until another comptroller shall be elected by the people at the next general election, and shall have duly qualified. Any surplus remaining on account of any appropriation at the end of any year may be applied as the common council may direct.

Penalty for voting to authorize expense when means to meet same shall not be provided.

§ 4. Any alderman or other official of said city who shall vote to authorize any expense or to incur any indebtedness by or against said city, when the means to meet or pay the same shall not be provided or applicable to the purpose, shall be deemed guilty of a misdemeanor, and on conviction thereof, the term of office of such alderman or other official shall cease and determine, and he shall be ineligible to hold any office in said city for the space of five years from the date of such conviction.

Contracts for gas to provide for lighting same.

§ 5. All contracts for supplying the public lamps with gas, except those in the public buildings, shall provide for the lighting of the same, and for keeping them in repair by the companies or persons supplying such gas.

When work may be done without calling for proposals.

§ 6. Whenever the mayor and comptroller shall certify that the interests of the city require certain work to be done without calling for proposals, at an expense not to exceed one thousand dollars, such work may be ordered by a two-thirds vote of the common council, and the expense shall be paid out of the appropriate fund, to be designated when the work is ordered to be done; and provided further, that whenever the head of any proper department shall certify that it is necessary for the best interests of the city, after a severe snow storm, to remove the snow from one or more of the principal thoroughfares, or to immediately repair any damage done by the elements or otherwise, or to prevent such damage, or to prevent the spreading of disease, or to suppress or prevent a riot, the mayor shall be empowered to authorize such department to incur such liability in the premises on the part of the city as may be necessary, and the common council shall order all charges incurred under this provision to be examined by the auditor, and when audited to be paid by the comptroller out of the appropriate fund; and in case no means shall have been provided to cancel such liabilities, the mayor, comptroller and city clerk shall provide the necessary means by issuing certificates of indebtedness of the city for a sum sufficient, and not to exceed the amount of such liabilities; and a sum sufficient to redeem such certificates,

TITLE XVII.

with interest, shall be included in the next annual tax levy. Supplies for any department needed for immediate use, not exceeding upon any one requisition in amount two hundred and fifty dollars, on the requisition of such department, and with the approval of the mayor, may be purchased by the department requiring the same, and the supply so purchased shall be audited and paid for in the same manner, and from the same fund as though the same had been ordered by the common council.

When supplies shall be ordered for boards of police and fire department.

§ 7. Whenever any fuel, furniture, interest, books, stationery or other supplies or any repairs have been duly ordered for the department of police and excise, or fire and buildings, by the board of aldermen, the department respectively requiring such supplies or repairs shall advertise for proposals in the newspapers for the same, and open the bids and award the contracts therefor, in the same manner, and with the same circumstances as the department of city works or common council are authorized in this act in relation to needed work and improvement for other departments of said city; provided also that with the consent of the common council, the department of police and excise and fire and buildings respectively shall purchase such articles of supplies or cause such repairs to be done as may be from time to time necessary to the efficiency of such departments, provided however, that the expense thereof shall not at any one time exceed the sum of two hundred and fifty dollars. The bills for all purchases made in pursuance of the provisions of this section shall be certified by the president or a commissioner of the department respectively having cognizance of the purchase, and upon being audited by the auditor shall be paid by the comptroller.

TITLE XVIII.

OF ASSESSMENTS FOR LOCAL IMPROVEMENTS AND OF STREET OPENINGS.

SEC. 1. When common council may open streets, etc.—Expense to be a lien on property.
2. Notice to be published.
3. Expense not to exceed value of lot independent of buildings thereon.
4. District of assessments to be laid out and map made.
5. Petitioners liable for all expenses in case application is denied.
6. Common council may order work to be done—Proviso.
7. All expenses to be included in report.
8. Certified copy of contract, etc., to be filed with comptroller.
9. When assessment to be levied, etc.
10. When common council to direct assessment to be made.
11. Payment to contractors.
12. Appropriation to pay bonds.
13. Common council may order re-assessment heretofore made.
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38. Act of 1858 extended and made applicable to city.
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When common council may open streets, etc.

SECTION 1. The common council may, upon the petition of a majority of the property owners, or of the owners of a majority of the property to be affected, or by a three-fourths vote of the board of aldermen and the consent of the mayor without such petition, open, close, extend, widen, regulate, grade, pave, regrade and repave roads, streets, lanes and avenues, and cause public squares and parks to be opened, regulated, ornamented and perfected in the manner hereinafter provided, and generally have such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. The expense of all such improvements shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving any street or avenue, they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue, as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue.

Expense to be lien on property.

Notice to be published.

§ 2. Whenever the common council shall have declared, by resolution, its intention to make any such improvement, or when a petition shall be presented, the common council shall cause a notice to be published in the corporation newspapers, that such application has been made, and of the time (which shall not be less than twenty-five days after the first publication of such notice) when they will proceed on such petition or resolution, which notice shall be published daily in the corporation newspapers for two weeks successively; and in case a remonstrance against the proposed improvement, signed by a majority of the property owners and the owners of a majority of the property to be affected within the district of assessment which shall be fixed by the common council for said improvement, shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement

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to be made, or proceed therein, but nothing in this Act contained shall be so construed as in any way to affect the proceedings heretofore commenced by the common council.

Expense not to exceed value of lot, independent of buildings thereon.

§ 3. No proceedings shall be commenced by the common council by any of the officers of the city, to regulate and grade, or to pave any street or avenue in said city, the expense of which shall impose upon any city lot of land an assessment exceeding its value, independent of any erection of buildings thereon, and which value shall be ascertained as hereinafter provided.

District of assessment to be laid out and map made.

§ 4. The common council shall lay out a district of assessment in every case before any other proceedings are had therein, and shall cause a map to be made, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land and premises to be assessed for the improvement, and shall estimate the expenses of any improvement or work referred to in the third section of this title, and the assessors of the city shall ascertain the value of the premises proposed to be assessed for such expenses, stating how much of said expenses is proposed to be assessed upon each lot, and shall report the same to the common council before any such improvement or work shall be ordered or determined upon by the said common council; such assessors shall at the same time report to the common council, for their information, an estimate of the amount of benefit which such lot will derive from such improvement; but such estimated benefit shall not be computed as a part of the value of said lots for the basis of assessment referred to in this act.

Petitioners liable for all expenses in case application is denied.

§ 5. All persons so applying, and who shall have signed a petition for any such improvement, are hereby declared liable for all charges and expenses which may accrue on such application, if the same is refused by the said common council; a sum sufficient to cover such expenses as may be determined by the common council shall be deposited by the persons so applying with the treasurer; the sums so deposited shall be returned to them if the improvement shall be ordered, and not otherwise, except the surplus thereof after paying such expenses.

Common council may order work to be done.

§ 6. If the common council shall determine that such improvement shall be made in accordance with the provisions of this act, they may then proceed to order such improvement or work to be done; and the determination of the common council, in respect to all the facts to be ascertained for the purpose of commencing and carrying on such proposed improvement or work, shall be final and

conclusive; provided that such action shall be in conformity with this act, and that no such improvement or work shall be made which shall in any event exceed in amount the estimated expense of such improvement or work, and that the assessment for the expense of such improvement shall be confined to the district of assessment laid out by the common council as aforesaid. In no event shall any expense for any improvement or work contemplated by the first and second sections of this act be a charge against the city of Brooklyn; except so far as said city may be the owner of lands to be assessed for such work or improvement. Proviso.

All expenses to be included in report.

§ 7. All expenses, chargeable in any proceeding hereafter had for opening or widening any street or avenue in the city of Brooklyn, for searcher or surveyor's fees, shall be included in the report of the commissioners appointed for that improvement, and shall thereafter be confirmed by the supreme court at a regular or special term thereof; and no such expense shall be due or payable unless included and confirmed as herein required.

Certified copy of contract, etc. to be filed with comptroller.

§ 8. It shall be the duty of the department having in charge any work, the cost of which is to be paid for by assessment, to file, with the comptroller of said city, a certified copy of the contract under which said work is to be done, together with a copy of the resolution of the common council directing the work under the contract to be done. Such copies shall be filed with the comptroller, within five days after contracts shall have been duly executed by the contractor.

When assessment to be levied, etc.

§ 9. No assessment for any local improvement authorized after the passage of this act shall be levied and confirmed, or be a lien upon the property to be assessed therefor, until after the work shall have been completed according to the contract, and a certificate of such completion, signed by the department having the matter in charge, shall have been filed with the comptroller; and it is hereby declared to be the duty of the department having the matter in charge, within five days after the completion of said work, to file said certificate, and also to furnish the common council a statement of the items constituting the cost and expense of said work, together with the fees and percentage now provided by law, and the filing of such certificate shall be presumptive evidence that such work has been completed according to contract.

When common council to direct

§ 10. The common council shall, after receiving the statement mentioned in the preceding section, by resolu-

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Assessment to be made.

tion, direct the board of assessors to apportion and assess the amount thereof upon the several pieces or parcels of land and premises benefited by the said improvement (and included in the limit or district mentioned in the fourth section of this title), in proportion to the benefit derived thereby; and all subsequent proceedings relative to levying, confirming and collecting any assessment shall be as is now provided by law, except that the board of assessors shall, in their assessment lists or report, furnish an estimate of the value of each separate piece or parcel of lands assessed; and no assessment on any piece or parcel of land, except for filling in lots, as provided for in title two, section thirteen, of this act, shall exceed in amount the value thereof.

Payment to contractors.

§ 11. After any contract for a local improvement shall have been entered into, and a certified copy thereof shall have been filed with the comptroller, in conformity with the eighth section of this title, said comptroller is hereby authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month), eighty per cent. of the estimated value of the work actually done under said contract, until the same shall be completed. The estimate of the value of any such work shall be signed by the surveyor, and also by the department having the matter in charge, and approved by the auditor; and upon the final completion of any contract and filing of the certificate of completion, signed by the officers above named, the comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance or the amount due under his said contract.

Appropriation to pay bonds.

§ 12. The amounts collected from any and all assessments for local improvements, together with all defaults and interest on the same, are hereby specially appropriated and set apart for the payment of the principal and interest of the bonds issued for making such local improvements.

Common council may order re-assessment heretofore made.

§ 13. In any case where an assessment for local improvement has been heretofore levied and confirmed, and the whole or a part of which remains unpaid, the common council shall have power (if they shall be satisfied that injustice has heretofore been done to the parties assessed) to direct a new assessment to be levied for the amount remaining unpaid, with the interest thereon. They may enlarge and extend the district heretofore assessed as they may deem just and equitable, and the board of assessors, in levying and assessing said new assessment, shall credit to all parties who may have paid the previous assessment the

amount so paid by them, respectively, and their property shall be liable only for the balance, if any, of the new assessment, over and above the amount so paid by them respectively, and all proceedings for levying, confirming and collecting said new assessment shall be as is now provided by law.

Jurisdiction and control of streets and squares.

§ 14. All streets and squares now opened, or used as such, and streets and squares to be opened and widened by the proceedings under these provisions, or to be ceded to and accepted by the common council, shall be under the jurisdiction, management and control of said common council for the purpose of making the improvement before mentioned, and for all purposes mentioned in or necessary for the fully carrying into effect all the provisions in this act, and the powers granted to the common council by this or any other act.

Common council to make application for appointment of commissioners.

§ 15. If the common council shall deem it proper to cause avenues, streets, squares or places to be opened, widened, or extended, they shall cause application to be made to the supreme court, in the second department, at a general term thereof, for the appointment of three persons as commissioners to estimate the expense of said improvement, and the amount of damage to be sustained therefrom by the owners of lands and buildings, and all other persons interested in the premises who may be affected thereby. The person so appointed shall not be interested in the improvement. The said court may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.

Map to be made

§ 16. The common council shall cause a map to be made, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land, buildings necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which lots and pieces of land only a part will be required of the same for the purpose of said improvement; and the map aforesaid shall form and constitute a part of the report of the said commissioners of estimate, and of the board of assessors in relation to the said improvement, and shall be deposited with said reports respectively for examination in the office of the clerk of the county of Kings, and in the department of city works, as hereinafter provided. In case there shall be no ward maps showing the lots or pieces of land within the district of assessment, the map to be made as aforesaid shall also show the several pieces of land with the district of assessment.

TITLE XVIII.

Commissioners, oath and duties of.

§ 17. The said commissioners shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section; and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by said improvement, to hear the proofs and allegations of the parties interested, at such time and place as they may appoint, and to continue such hearing by adjournment, from time to time, as they may deem proper.

Form of report of.

§ 18. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items of such expense, the number on the map of the pieces of land required for the improvement, and of any residues within the district of assessment, of lots or pieces of land of which only a part will be required for the same, the names of persons interested in the property taken for the improvement, and the nature of their interest, and the amount awarded to the different parties, and so many and such other different columns and tabular statements as may be necessary to state the true interests of the parties in the lands and premises, and their liabilities in relation thereto.

When residue of lots to be included in report.

§ 19. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury or injustice would otherwise be done, and with the consent, in writing, of the owner or owners of such lot or lots, include the whole or any part of such residue in their report (briefly describing the same,) and estimate separately the value thereof. Every such residue or part of a residue which shall be so included shall, upon the confirmation of said report as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the city of Brooklyn, which shall thereupon sell and dispose of the same at a price or prices not less than the sum at which it shall have so estimated to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice, to be determined by the common council, elect to take the same at such price or prices, it shall be disposed of at public auction, upon such notice as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell for a less sum than that at which its value was estimated by the com-

Title to, when to vest in city.

missioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioner shall include in the estimate and assessment of the expense of such improvement the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report, and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

Residue when to be assessed.

§ 20. In other cases in which part only of the land and premises of any person or persons will be required for any such proposed improvement, the fair estimated benefit to be derived by him, her or them, in common with others for the said improvement, shall be assessed and be a lien upon the residue of such land and premises, but such assessments shall in no case exceed the value of such residue; and if, in the opinion of the court to whom the said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming the report.

Damages, assessment of.

§ 21. When all the land and premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required, and the estimated damages to be sustained by the appropriation of such part to the purpose thereof, shall exceed the fair estimated benefit which, in common with others, he, she or they will derive from the said improvement the amount of the estimated damages in the first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises, according to the estimated benefit to be derived from the said improvement.

§ 22. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or owners of any land bounded on the public highway, by reason of the location of the proposed street, avenue or square, in such manner as to interpose the land of any other person between such proposed street, avenue or square and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises, according to the benefit to be derived by them respectively from the said improvement.

Report to be filed.

§ 23. After said report shall be completed, it shall be

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Notice.

filed by the said commissioners in the office of the clerk of the county of Kings. They shall then cause a notice to be published that the same has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined, free of expense by all persons interested; and at the time and place so specified, any person may offer objections, in writing, to the said report, and accompany the same with such affidavits as he may think proper. The said commissioner shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem it proper, and shall then again file the right in the office of the clerk of the said county of Kings. The common council shall then cause a notice to be published in the corporation newspapers employed by the said corporation that the said report has been so completed and filed, and that application will be made on behalf of the said common council to the county court of the county of Kings, or to the said supreme court, at one of the special terms thereof, the same to be specified in such notice (and in either case not less than ten days from the first publication thereof) to have said report confirmed. During the said space of ten days the said report shall remain open to the inspection, free of expense, of all persons interested; and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the clerk of the said common council within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioner (if it shall be intended to use or refer to copies thereof on such appeal), and also with a brief statement, in writing, of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

Examination of report.

Review and correction of.

Notice.

Appeal.

How heard.

§ 24. Such appeal shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming the said report, and affidavits may also be read to sustain the same; but no cause against confirmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act. If a sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or, if in their opinion the same ought not to be confirmed, they may refuse so to do; and

in the event of such refusal they shall, in the proper case, refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county. The common council shall thereupon cause a new notice to be published in the manner required in the preceding section of this act of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section; and such appeal shall be proceeded upon, and the said report again disposed of in the manner directed by this section. And so often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon the first reference back to the said commissioners. In cases, however, where the said court can, they shall direct specific alterations to be made therein, and such alterations shall be made in its presence or during the same term, they may thereupon absolutely confirm the said report without further notice.

Costs.

§ 25. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be prosecuted or sustained.

Upon confirmation assessors to apportion and assess expenses.

§ 26. Upon the confirmation of the report of the commissioners of estimate of the expense of the improvement, it shall, together with the map, be delivered to the board of assessors of said city, whose duty it shall be to apportion and assess the expenses of the improvement, as determined by the report of the said commissioners, upon the lands and premises benefited, or intended to be benefited, by the improvement, within the district of assessment, in proportion to the benefit derived by such lands and premises respectively thereby. The said board of assessors shall make their apportionment and assessment in a report or list in tabular forms, with columns, giving the numbers according to the ward map or maps, of the pieces of land assessed for benefit; or when there are no ward maps, according to the map made by order of the common council for the purpose of the improvement as aforesaid, the names of the owners or occupants thereof respectively, the amount assessed on each piece of land on the different interests therein, the balance of awards to be received by the different parties over their assessments, the assessment to be paid by the owners of the pieces of land assessed respectively, and by other persons interested therein, the balance of assessment to be paid by any such owner or persons over any awards

Form of assessment.

TITLE XVIII.

Proceedings, completion of report.

made to them respectively, and such other statements as they may deem necessary to make. And upon the completion of the report of said board of assessors, the same proceedings shall be had in relation thereto, in all respects, until the confirmation thereof by the supreme court, as are required in relation to the report of the commissioners of the estimate of the expense of the improvement by sections twenty-three and twenty-four of this title; and all the provisions of said section for review, appeal, revision, correction and confirmation thereof, shall apply thereto, except that the said report shall be filed in the office of the department of public works, for examination, and that if the court shall send the same back for revision and correction, it shall be sent back to the board of assessors. Upon the confirmation of the report of assessment list of the said board of assessors, and not until then, the rights of the owner or other parties interested in the lands taken to the awards made to them respectively shall become fixed, and the common council shall be thereupon authorized to cause such improvements to be made. In case any such assessment list or report of the board of assessors shall be afterward set aside or declared void for irregularity or other cause which shall not affect the validity of the awards made in the same improvement, it shall be the duty of the board of assessors to make out a new assessment list or report in the manner therein provided, which further report, and the assessment therein, shall be subject, in all respects, to the provisions in this section, and otherwise in this act provided in relation to the original reports and the assessments thereby made. If the said board of assessors shall, instead of making out an assessment list, as aforesaid, merely report that the lands and premises within the assessment district are not benefited to the amount estimated by the said commissioners for the expenses of the improvement, as the said board of assessors may and shall do, if, in their judgment, such be the fact, the court shall, upon the presentation of such report for confirmation, order the proceedings for said improvement to be discontinued, and thereupon all proceedings had in relation thereto shall be null and void, and the city shall in no case be liable in relation thereto. It shall be sufficient in making the awards and assessments for damages or benefits under this act, or any special or other act relating to laying out, opening, widening or extending any street, avenue, boulevard, park or square in said city, for the commissioners appointed or to be appointed, to make the same, and for the board of assessors to state in their reports respectively the name or names of the parties interested in each piece or parcel of land and buildings or other property taken, and in the name or names of the owners or occupants of each piece of land assessed

for benefit as said names may appear in the office of the collector of taxes; and all assessments for benefit and taxes so made shall be liens upon the land in regard to which they shall be made, notwithstanding any error in the names of the parties interested, owner or owners or occupant, the same as if such name were correct. If in any cases searches shall be necessary, it shall be the duty of the attorney and counselor of the city to make them, by virtue of his office as by this act provided, and in such cases the statutory fees of the register of the county of Kings may be charged and no more, which shall be included by the commissioner in the estimated expenses of such improvement for the benefit of the city.

Payment of damages.

§ 27. The comptroller shall pay to the persons (or to attorneys or legal representatives of such) to whom damage may have been awarded in such report, the amount of such damages, with interest at the rate of seven per centum per annum from a day thirty days subsequent to the day of confirmation of the respective assessments, pro rata, as moneys on account of such assessments shall be received from the department of collection.

Compensation of commissioners.

§ 28. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed four dollars each for each and every day actually and necessarily employed about their duties, not exceeding for the three commissioners collectively the sum of five hundred dollars, which, with the fees for searches, and the expense of said map, the cost and fees of the attorney and counselor, and the fees of the clerks of the court for any service required by the provisions of this title, and the collection and assessment fees as by this act provided, shall be estimated as a part of the expense of the improvement, and no other expenses, besides the amount awarded for damages, than those herein specified, shall be included in any assessment.

Appointment of guardians for infants, etc.

§ 29. In cases of opening, widening or extending any street, avenue or square, road or highway, under the provisions of this act, the county court of the county of Kings, or the county judge thereof in term or vacation, or a justice of the supreme court, shall have power, on application to appoint guardians for infants or incompetent persons, in the nature of guardians *ad litem*, to protect their interests or prosecute appeals, who shall be entitled to receive for their services and attendance before the commissioners, and also on appeal, such compensation as the court or a justice thereof may determine.

Power of court to reduce or

§ 30. None of the provisions of any act of the Legisla-

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vacate assessments.

ture of this State shall enable or permit any court to vacate or release any assessment, in fact or apparent, whether void or voidable, on any property, for any local improvement in the city of Brooklyn, otherwise than to reduce any such assessment to the extent the same may have been in fact increased in dollars or cents, by reason of fraud or irregularity, and in no event shall that proportion of any such assessment which is equivalent to the fair value of any actual local improvement be thereby disturbed.

Assessments to be liens.

§ 31. All assessments for improvement in said city, when the same shall have been confirmed according to the provisions of this act, shall constitute and be a lien upon the property assessed, from the time of such confirmation, which lien shall have priority over all other liens and encumbrances.

Assessors to apportion and assess expenses of grading streets, etc.

§ 32. The board of assessors shall, under such regulations as they may adopt, and by at least three of their number, apportion and assess the expenses of regulating, grading or paving, or regrading or repaving streets, and of constructing wells and pumps, public cisterns, lamp-posts and lamps, flagging sidewalks, fencing and filling in lots, and of all other public improvements, except as herein otherwise directed; and the common council shall proceed in regard to the assessments therefor in the manner hereinafter provided.

When to make assessment.

§ 33. Upon a copy of the resolution of the common council deciding to make any such improvement and fixing the amount to be assessed for the expense thereof, certified by the city clerk and approved by the mayor, being sent to the board of assessors, they shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefited, in proportion to the benefit, which in their opinion, the same shall derive from, or in justice ought to be assessed, for the said improvement. But whenever any of the lots, pieces or parcels of land so benefited shall be under water and belong to the State, the said board of assessors shall in respect to such land make such assessment on the right, interest and claim to and in the said land, of the person or persons who may be entitled to a grant of such lands, from the commissioners of the land office. And all the provisions of this act applicable to said improvement, and the collection of the assessments thereof, shall apply to such right, interest and claim, and to the persons entitled to the same. Nothing herein contained shall be construed so as to affect the title of the State in or to the said lands; but any person or persons who shall take the title to said

Not to affect title of state.

lands from the State, and while the same remains unpaid, shall take the same subject to the lien of said assessments; provided that the provisions herein contained shall be deemed to apply to lands under water, lying in the eighth, tenth and twelfth wards of the city, and to none others.

Assessors to make report, give notice of hearing, etc.

§ 34. The board of assessors shall make a report, in writing, of the assessments so made, and before proceeding to sign the same, shall give notice in the corporation newspapers, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the board of assessors shall proceed and complete the report and sign the same, and return the said report with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the common council, who shall refer the same, in case of any objections, in writing, to the proper committee of the board. The said committee shall publish a notice in the corporation newspapers for ten days successively, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report.

Committee to report, etc.

§ 35. The said committee shall thereupon examine the matter and report to the common council, and shall return to them the said report of the board of assessors, with the objections of the parties, together with the views and opinions of the committee respecting the said report.

Common council to correct report, etc.

§ 36. The common council shall thereupon examine the matter, and may correct the said report and assessment, and add any further sum for interest which may be required to re-imburse the city for interest due or to become due, on account of bonds issued for the respective improvements, and send it back to the board of assessors for re-apportionment, or may confirm the same, as they may deem just and proper, and their confirmation in the matter shall be final and conclusive.

§ 37. The like proceedings shall be had when the report of the board of assessors is sent back in the first instance.

Act of 1858 extended and made applicable to city.

§ 38. The provisions of the act entitled "An act in relation to frauds in assessments for local improvements in the city of New York," passed April seventeenth, eighteen hundred and fifty-eight, are hereby extended and made applicable to the city of Brooklyn, and to the proceedings relative to any assessment or assessments for local improvements made or to be made therein; but the said act, so far as applicable to the city of Brooklyn, is hereby so amended

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that no proceedings shall be taken thereunder, except at a regular term of the court, and not in vacation, and that, whenever any irregularity or fraud shall be shown in any such assessment proceedings, whereby the expense of any local improvement has been unlawfully increased, the court shall thereby only have authority to reduce the assessment by as much as it shall have been increased by such fraud or irregularity, and no proceedings shall be taken by virtue of this act to vacate any assessment under which sales of the property assessed have been made, nor shall any assessment be vacated for the reason that the property assessed is described as in the name of a person not the owner or occupant, unless the party petitioning to have the same vacated shall show that he has been aggrieved thereby.

Where the amount to be assessed exceeds that limited by law.

§ 30. In any unconfirmed assessment for a local improvement, when the amount assessed, or that would be assessed, to any piece or parcel of land for its proportion of benefit, shall exceed the amount limited by law relative to the value of the land, the board of assessors shall ascertain if there are parcels of land not included in the district of assessment, which, in the judgment of the board of assessors, may justly and equitably be assessed for benefit because of such local improvement, and if the board of assessors shall so find, they shall report to the common council what additional lands may, in their judgment, be assessed for benefit for such improvement, and the common council shall thereupon enlarge and extend the district theretofore assessed, or district to be assessed, and shall direct the board of assessors to apportion and assess the amount to be assessed for such improvement in conformity with the provisions of section ten of this title, except that the district of assessment shall be the enlarged district, as herein provided. But if the board of assessors find that, in their judgment, they are not lands not included in the district of assessment, which may justly and equitably be assessed for benefit because of such local improvement, then they shall proceed to apportion and assess the several pieces or parcels of land in the district already fixed, in proportion to the benefit derived by the improvement, except that if the amount that would be assessed to any piece or parcel of land for its proportion of benefit shall exceed the amount limited by law relative to the value of the land, then the amount so exceeding such limit, shall be deducted from the assessment to such piece or parcel of land, and the amount so deducted shall be reported to the common council by the Board of Assessors, with their report of the assessment for such local improvement, and thereupon the common council may confirm the assessment as so reduced, and provide for the deficiency caused by said reduction, by directing the proper authori-

ties to place an amount equal to such deficiency in the annual tax levy. All assessments heretofore laid in said city for any local improvement are hereby confirmed, and the amount of the same is hereby levied as a tax on the several pieces or parcels of land on which the same has been heretofore assessed and apportioned, but the proceedings for collecting the same shall not be deemed to be in any manner affected by this act.

Assessments heretofore laid confirmed.

TITLE XIX.

MISCELLANEOUS PROVISIONS.

SEC. 1. False swearing to be perjury.
2. Competency of judges, jurors, etc.
3. Offices of record.
4. Embezzlement.
5. Ordinances evidence.
6. Service of process on vessels.
7. Penalties when recovered to be paid to the city.
8. Bureaus, appointment of clerks, etc.
9. Deposits of city money, etc.
10. Summary proceedings against persons violating ordinances.
11. Authority of justice to fine, etc.
12. Service of summons, etc.
13. Seizure of gunpowder.
14. Not to apply to United States navy yard, etc.
15. Storage of gunpowder.
16. Cartage of through streets.
17. On board ships, etc.
18. Penalty.
19. Judgments recovered against the city to be reported to common council —Executions thereon.
20. Trustees of city property.
21. Streets, etc., thrown open; when to be so considered public.
22. Members of common council and officers not to receive moneys, etc., as rewards for votes or acts.
23. City railroads, construction of, etc.
24. Official bonds, when to be discharged.
25. Present office-holders to hold until expiration of term.
26. Provisions of this act to apply at once, to whom.
27. City not to be liable for misfeasance or nonfeasance, etc., of officers— Remedy of parties aggrieved.
28. Compensation of clerks, etc.
29. Repealing clause—pending judicial proceedings, etc.
30. To take effect immediately.

SECTION 1. Any person who may be required to take an oath or affirmation, under and by virtue of any provision of this act, who shall wilfully and falsely swear or affirm to any material fact or matter under such oath or affirmation, legally administered, shall, upon conviction, be adjudged guilty of perjury.

False swearing to be perjury.

§ 2. No person shall be incompetent as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder of the city of Brooklyn, in any action or proceeding in which the city is a party or interested.

Competency of judges, etc.

§ 3. The offices of the city clerk, auditor, department of city works, comptroller, collector of taxes and assessments, registrar of arrears and treasurer shall be, and they are hereby declared to be offices of record for the purpose of

Offices of record.

TITLE XIX. filing, recording and safe keeping of any and all papers and documents of the city appertaining or belonging to the said several offices; and all provisions of law relating to offices of record, or the preservation or safe keeping of papers or records therein, are hereby declared to apply to said several offices.

Embezzlement. § 4. Every embezzlement of money by any officer elected or appointed under this act, or by a clerk, deputy or assistant of such officer, shall be deemed a felony, punishable by fine or imprisonment, or both.

Ordinances evidence. § 5. Every ordinance, resolution or by-law of the common council may be read in evidence in all courts and legal proceedings from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof, but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act.

Service of process on vessels. § 6. Any civil or criminal process, attachment or execution may be served or levied upon any person or property, on board of any vessel which, at the time of such service or levy, shall be attached or fastened to any wharf, pier, bulkhead or landing place in said city, or lying so near thereto that a person can step from the same upon such vessel, or shall be fastened to any other vessel or vessels which shall be so attached to or lying at any such wharf, pier, bulkhead or landing place in the same manner and with like effect as if such vessel was actually within said city.

Penalties when recovered to be paid to city. § 7. All the penalties prescribed by this act, or by any ordinance of the city, shall, when recovered, be paid into the treasury for the use of the city, except as hereinbefore provided.

Bureaus, clerks, etc. § 8. The head of each department shall organize such bureaus as may be deemed necessary by the commissioners or head thereof. They shall also appoint such number of clerks and employees as may be necessary in the several departments.

Deposits of city moneys, etc. § 9. No moneys belonging to the city shall be deposited in any institution in which any receiving or disbursing officer of the city shall be either officer, director, or trustee. No city officer authorized to receive or disburse moneys of the city shall be an officer, director or trustee of any moneyed institution in which any part of the city funds may or shall be deposited; and, in case any city officer shall be-

come an officer, director or trustee of any such institution, his office shall immediately be deemed vacant, and the mayor shall nominate, and with the consent of the board of aldermen appoint, a suitable person to fill such vacancy.

Summary proceedings against persons violating ordinances.

§ 10. All violations of any ordinance of the city of Brooklyn, which consist of acts or things done by any person, and not of mere omission or neglect, may be proceeded against summarily before any police justice or justice of the peace in said city; such proceedings shall be commenced by warrant, upon proper proof, and shall be continued and conducted in the same manner as criminal proceedings are now conducted in cases triable before such justices, or either of them, as a court of special sessions, but no party charged with such offense shall have the right to waive an examination, or to elect to go before any higher court or tribunal.

Authority of justice to fine, etc.

§ 11. Such justices shall have authority to fine the person offending as aforesaid a sum equal to the penalty prescribed by the ordinances, and may sentence such persons, in default of payment, to be confined to the county jail for a period not exceeding ten days, and not exceeding the penalty prescribed as aforesaid, and all laws relating to trials by courts of special session in the city of Brooklyn, not inconsistent herewith, shall apply to such trials. In the proceedings hereby authorized, the offense shall be deemed to be sufficiently described by stating the ordinance and the section thereof claimed to be violated.

Service of summons.

§ 12. In all suits for the violation of any ordinance in the city, prosecuted in the justices' or police courts thereof, the summons shall be deemed to be served in time, if served three days before the return day thereof; and in case the defendant be absent from his residence or place of business, the summons may be served by leaving a copy of the same at either of such places with a person of mature age in charge thereof; but no execution, except against property, shall be issued on any judgment in such suit, unless the summons was personally served on the defendant.

Seizure of gunpowder.

§ 13. Gunpowder which shall be found in any store, storehouse, manufactory or other building in the city, or which may be found in any cart, wagon or other vehicle, or on board any ship, brig or other vessel, which shall make fast to or anchor within two hundred feet of any pier, wharf or bulkhead in the city, in violation of any of the provisions of this law, shall be immediately seized by the police commissioner or his inspectors, and removed to some secure place.

TITLE XIX.

Not to apply to United States navy yard, etc.

§ 14. Nothing in this act contained shall, in any way, apply to any gunpowder which may be stored in the United States navy yard, or which may be on board of any vessel within the jurisdiction of the United States navy yard.

Storage of gunpowder.

§ 15. It shall not be lawful for any person to have kegs of gunpowder, or cause to be kept in any store, storehouse, manufactory or other building within the city of Brooklyn, any quantity of gunpowder exceeding twenty-five pounds in weight, under the penalty of the forfeiture of the gunpowder and an additional penalty of fifty dollars; and all gunpowder which may be kept in any building within said city shall be kept in tin canisters, and said canisters shall, at all times, be kept securely closed, except when necessary for its delivery on sale.

Cartage of through streets.

§ 16. No person shall carry, or cause to be carried, any gunpowder through any street, lane or alley in the city, unless the same be secured in tight casks, kegs or cases, well headed and hooped; and said casks, kegs or cases shall be put into and entirely covered with a bag or case sufficiently to prevent any said gunpowder from being spilled or scattered, under the penalty of forfeiture of the gunpowder and a fine of fifty dollars for every violation of the provisions of this act.

On board ships, etc.

§ 17. It shall not be lawful for any ship, bark, brig, lighter or vessel containing any quantity of gunpowder over and above twenty-five pounds, to make fast or to anchor within two hundred yards of any pier, wharf or bulkhead within the city of Brooklyn, under the penalty of the forfeiture of all gunpowder on board, and an additional penalty of fifty dollars; provided, further, that in the case of any explosion caused by a larger quantity of gunpowder than allowed by law to be kept in any building or vessel whatever, contrary to the above section of this act, the occupant or occupants of any such building having the same in their possession, and the owner or owners of any vessel as aforesaid, shall forfeit and pay the additional sum of one thousand dollars.

Penalty.

§ 18. Any and all persons who, after having been personally served with the notice of violation, as hereinbefore prescribed, shall fail to comply therewith, or shall continue to violate, or assent to or permit any violation of any of the provisions of the preceding five sections of this title, or who shall be accessory thereto, shall, in addition to the penalties hereinbefore provided, be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both; and

upon a complaint made before any police justice or any court of criminal jurisdiction within the city of Brooklyn, shall be arrested and held to bail by said justice or said court; and upon conviction of such offense shall pay all costs of such arrest, and shall be fined in a sum not to exceed two hundred and fifty dollars, or may be imprisoned for a term not to exceed six months, or both, in the discretion of said justice or court; and all fines levied and collected under the provisions of the fifteenth, sixteenth, seventeenth and eighteenth section of this title shall be paid into the firemen's insurance fund.

Judgments recovered against the city to be reported to common council.

§ 19. The amount of any judgment recovered against the city of Brooklyn, and payable by said city, and remaining unpaid, with the interest due and to become due thereon, shall be reported by the counsel to the corporation, immediately after the same have become payable, to the board of aldermen; and such amount shall be raised in the next levy of taxes for the expenses of the said city, unless execution upon such judgment shall be stayed. Such judgment shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury, and payment of said judgments refused by the financial officers of the city, no execution shall issue against the said city, unless the amount of such judgment shall not have been included in the tax levy, as aforesaid; provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city other than taxation, sufficient to satisfy said judgments, the common council shall direct the payment therefrom of said judgments in the order of their recovery.

Executions thereon.

Trustees of city property.

§ 20. The common council of said city, and the members thereof, are hereby declared to be trustees of the property, funds and effects of the corporation hereby created; and the aldermen of the city of Brooklyn are hereby declared to be trustees of the property, funds and effects of their respective wards, so far as such property, funds and effects, in or derived from their respective wards, are or may be committed to their management or control respectively by this act; and every person residing in said city, or in any ward, and assessed to pay the taxes therein, who shall pay taxes therein, is hereby declared to be a *cestui que* trust, in respect to the said property, funds and effects respectively; and any co-trustee or any such *cestui que* trust shall be entitled, as against such trustees, and in regard to such property, funds and effects, to all the rights and remedies provided by law, of any co-trustee or *cestui que* trust to prosecute and maintain any action to prevent waste and injury

TITLE XIX.

to any property, funds or estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law upon trustees, and such duties and responsibilities may be enforced by any co-trustees, or *cestui que* trust aforesaid.

Public streets, etc.

§ 21. All streets and avenues in said city which have been or may be thrown out to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets and avenues; and the city of Brooklyn and the common council thereof shall have all jurisdiction and power in respect thereto, the same as if such streets and avenues had been or shall be opened by proceedings had for that purpose under the provisions of this act.

Members of common council and officers not to receive money, etc., as reward for votes or acts.

§ 22. No member or officer of the common council, or any city, or ward officer, whether elected or appointed, shall take or receive any money, article, thing, advantage or promise thereof, as consideration for any vote or act in his official capacity, or for making and consenting in such capacity to any award of any contract, or to any appointment, for office or place. Any person offending against the provisions of this section shall be deemed guilty of felony, and, upon conviction, shall be punished by imprisonment in the State prison for a term of not less than three nor more than five years.

City railroads, construction of, etc.

§ 23. It shall not be lawful hereafter to lay, construct or operate any railroad in, upon or along any or either of the streets or avenues of the city of Brooklyn, wherever such railroad may commence or end, unless a majority of the owners of property upon the streets or avenues in or along which such railroad is to be constructed shall first petition the common council of said city therefor, nor unless the said common council shall authorize the construction of such railroad, and the grant therefor shall have been awarded and given to the person who will agree, with adequate security, to carry passengers on such railroad at the lowest rate of fare. But no such grant shall be awarded until after public notice, inviting proposals therefor at a specified time and place, shall have been published, under the direction of the common council, daily for six weeks in four of the public newspapers printed in said city. This section shall not be deemed to affect the operation of, or apply to, The Brooklyn City Railroad Company, The Brooklyn Central and Jamaica Railroad Company, The Broadway Railroad Company of the City of Brooklyn, The Brooklyn City and Newtown Railroad Company, The Coney Island and Brooklyn Railroad Company, The Grand Street Railroad

Company, The South Side Railroad Company, and Bushwick Railroad Company, and such other companies as are or may be authorized by law; provided, that no vote shall be given by or received from any person who shall not own a lot of land containing at least twenty feet in width, in front and rear in the street or avenue.

Official bonds, when may be discharged.

§ 24. No bond of any officer, required to be given by this act, shall be discharged, until all property and money received by him shall have been accounted for, and until his accounts shall have been examined and approved by the comptroller, auditor and chairman of the finance committee of the board of aldermen, whose duty it shall be to make such examination, and until their certificate of approval of said accounts shall be filed in the office of the comptroller.

Present office holders to hold until expiration of term.

§ 25. All persons at present holding office in the city of Brooklyn, whether elected or appointed, shall continue to hold their respective offices until the expiration of the time for which they were elected or appointed, except as otherwise provided in this act. The comptroller, auditor, treasurer, collector of taxes and assessments and registrar of arrears, may appoint, and at pleasure remove, a deputy for whose official acts and omissions he shall be personally responsible, and who shall have all the powers and discharge all the duties of such head during his absence.

Provisions of this act to apply to mayor, etc.

§ 26. All the provisions of this act defining and regulating the rights, powers and duties of the legislative department, the mayor, the aldermen, the department of finance, the comptroller, the department of audit, the auditor, the treasurer's department, the treasurer, the department of collection, the collector of taxes and assessments, the department of law, the attorney and counsel, department of assessment, the president of the board of assessors and the assessors, the department of city works, the president of the department and the commissioners of city works, the department of police and excise, the president of the department and the commissioners of police and excise, the department of fire and buildings, the president of the department and the commissioners of fire and building, shall apply to and regulate the rights, powers and duties of the mayor, aldermen, comptroller, auditor, treasurer, collector of taxes and assessments, attorney and counsel, president of the board of assessors and the assessors, president of the department and the commissioners of city works, the department of police and excise, the president of the department and the commissioners of police and excise, the department of fire and buildings, the president of the department and commissioners of fire and buildings, in office at the time of the passage

TITLE XIX.

of this act, or who may be hereafter appointed or elected in pursuance of any of the provisions of this act.

City not liable for misfeasance, etc., of officers.

§ 27. The city of Brooklyn shall not be liable in damages for any misfeasance or nonfeasance of the common council, or any officer of the city or appointee of the common council, of any duty imposed upon them, or any or either of them, by the provisions of this act, or of any other duty enjoined upon them, or any or either of them, as officers of government, by any provision of this act; but the remedy of the party or parties aggrieved for any such misfeasance or nonfeasance shall be by mandamus, or other proceeding or action, to compel the performance of the duty, or by other action against the members of the common council, officer, or appointee, as the rights of such party or parties may by law admit, if at all.

Remedy of parties aggrieved.

Compensation of clerks, etc.

§ 28. The compensation of clerks and subordinates in the several departments may be fixed by the heads of the said departments, provided that such compensation shall not exceed in the aggregate the appropriation made by the common council for the purpose.

Repealing clause.

Pending judicial proceedings, etc.

§ 29. This act is hereby declared to be a public act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Any judicial proceedings now pending, or that shall have been commenced before this act takes effect, shall be continued and completed as if this act had not passed, except as herein provided.

To take effect immediately.

§ 30. This act shall take effect immediately.

ORDINANCES

OF THE

CITY OF BROOKLYN

AS

ADOPTED BY THE

COMMON COUNCIL.

TITLE XIX.

of this act, or who may be hereafter appointed or elected in pursuance of any of the provisions of this act.

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To take effect immediately.

§ 30. This act shall take effect immediately.

ORDINANCES

OF THE

CITY OF BROOKLYN

AS

ADOPTED BY THE

COMMON COUNCIL.

ERRATA.

In the section stating the penalty of bonds to be given to the city by public officers, by accident the following were omitted:

That of a constable, five hundred dollars.

That of a city surveyor, one thousand dollars.

ORDINANCES.

CHAPTER I.

AN ORDINANCE IN RELATION TO CITY OFFICERS, AND TO LIMIT AND DEFINE THE DUTIES OF CERTAIN OF THEM UNDER THE CHARTER OF THE CITY, AND TO PRESCRIBE OTHER AND FURTHER DUTIES TO BE PERFORMED BY THEM.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

IN RELATION TO CITY OFFICERS GENERALLY.

1. Penalties of official bonds of officers.
2. Sureties, how justified.
3. City officers, not to receive fees and perquisites.
4. Record books, etc., to be open to the public.
5. Penalty for violating this ordinance.
6. Licences to be registered.
7. Officers hours defined.
8. City officers not to receive money for appointments.
9. Not to be interested in any contracts.
10. City officers to be subordinate to the mayor.
11. Administrative officers to report annually.
11. Officers receiving money to stamp the same off.
13. Expenses not to be incurred unless authorized by common council.
14. Orders for repairs, etc., to be presented to comptroller.

SECTION 1. The penalties of the official bonds herein named shall be respectively as follows:— Penalties of official bonds of officers.

That of the city treasurer one hundred and fifty thousand dollars.

That of the comptroller forty-five thousand dollars.

That of collector of taxes and assessments, two hundred and fifty thousand dollars.

That of the auditor five thousand dollars.

That of the registrar of arrears, fifty thousand dollars.

That of the attorney and counsellor, ten thousand dollars.

That of the city clerk, ten thousand dollars.

That of the president of the board of police and excise twenty thousand dollars.

That of each commissioner of police and excise, twenty thousand dollars.

That of the president of the department of fire and buildings, ten thousand dollars.

CHAPTER 1.
ARTICLE I.

That of each commissioner of fire and buildings, ten thousand dollars.

That of the president of the board of assessors, five thousand dollars.

That of the president of the board of city works, ten thousand dollars.

That of each commissioner of city works, ten thousand dollars.

That of the water registrar, fifty thousand dollars.

And such officers except the collector and treasurer, who shall have twenty days to do so, shall execute such bonds respectively within ten days after notice of their election or appointment, or their office shall be declared vacant by the common council.

Sureties, how justified.

§ 2. The bonds of all officers shall be executed with two or more sureties, conditioned as provided in the city charter. Such sureties shall justify separately, on the back of the bond, that they are respectively worth the sums to be stated in their respective justifications, over and above all debts and liabilities by them owing or incurred, or for which their property is liable or incumbered, at the time of justification, and over and above all exemptions by law of their property from execution. The sums stated in such justifications on the bond of any officer shall, in the aggregate, amount to double the penalty of such bond. The execution of such bond shall be acknowledged by the officer and his sureties before some person authorized to take the acknowledgment of deeds, and a certificate of such acknowledgment made thereon. The clerk of the common council shall also endorse and certify on each bond, before the same shall be filed, the resolution of the common council approving the same, and the time of such approval.

City officers not to receive fees and perquisites.

§ 3. No fees or perquisites shall be received to his own use by any city, district or ward officer elected or appointed, other than his salary or compensation fixed by laws, but all such fees and perquisites shall be paid into the treasury of the city for the use of the city, by every such officer and appointee monthly, under oath to be filed with the comptroller, before he shall be entitled to receive any such salary or compensation or any part thereof; and the comptroller is hereby directed not to pay any salary or compensation to any city, district or ward officer, clerk or appointee who receives any fees or perquisites until such oath is made and filed; and on each officer, clerk or appointee receiving his salary he shall sign a receipt in full to date. But nothing herein contained shall be construed to prevent the taking of compensation by clerks or other subordinates for searches or other services out of office hours,

provided their principals assent to and be not interested in such compensation.

Records, books, etc., to be open to the public.

§ 4. The records, books, files, papers and documents of the city shall, during office hours, be open to the search, inspection, and examination of the public, provided, however, that in any case the officer having charge of the same shall deem it conducive to the public interest, he may require the applicant to procure the written permission of the mayor, who may refuse to give such permission if he deem proper, unless such search, inspection and examination be for the purpose of obtaining information for the prosecution or defence at law of some right, or for the purpose of ascertaining taxes or assessments, or sales for taxes or assessments, and provided that such search, inspection and examination be made under such regulations as the officer in whose custody such records, books and documents may be, shall establish for the safety and preservation thereof.

Penalty for violation of this ordinance.

§ 5. Any officer violating any provision of this ordinance, shall be deemed guilty of misconduct in office, and liable to impeachment and removal from office therefor. Such officer shall be liable for any violation of any provision of this ordinance by any deputy, assistant, clerk or other subordinate appointed by him; and continuance in office by such officer, of any deputy, assistant, clerk or other subordinate, after knowledge of any such violation, shall be deemed misconduct in office by such officer, and he shall be liable to impeachment and removal from office therefor; and such deputy or assistant shall not be renominated for appointment, and such clerk or other subordinate shall not be reappointed, unless the cause of his removal be first submitted to the common council, and its assent obtained to such reappointment.

Licenses to be registered.

§ 6. All licenses or permits granted by the mayor, or any other city officer, or abstracts thereof, shall be registered in books to be kept in their respective offices.

Office hours defined.

§ 7. The offices of the respective city officers, except as hereinafter mentioned, shall be open every day except Sundays and such holidays as shall be observed by the general custom of the city, or by recommendation of public authority, from nine o'clock in the forenoon to three o'clock in the afternoon. The office of the mayor shall be open at such hours as he shall prescribe. The office of collector of taxes and assessments shall be open from eight o'clock in the forenoon to five o'clock in the afternoon, for all business except the receipt of money, which will not be received therein after two o'clock in the afternoon. The office of the treas-

CHAPTER I. ARTICLE I.

urer shall be open during banking hours of the city deposit banks.

City officers not to receive money for appointments.

§ 8. No city officer shall receive, in money or otherwise, any pay, gift, commissions or reward for the appointment, or for procuring the appointment or nomination for appointment, of any deputy, clerk or other subordinate under him, or in his department or office, or under any other city officer, or in any other department or office of the city government.

Nor to be interested in any contracts.

§ 9. No city officer shall be interested in any contract with the city, or in any compensation for work done for, or materials, or supplies furnished to the city, or to any contractor, or other person furnishing the same to the city, nor shall he participate in any profits with such contractor or other person, or receive any compensation, commission, gift or other reward for his services, except the salary or fees established by law, or by an ordinance or resolution of the common council.

City officers subordinate to the mayor.

§ 10. All city officers shall perform the duties of their office subordinate to the mayor, who shall have power to direct them in relation to such duties, and also in all particulars contemplated by law, or the ordinances or resolutions of the common council, but not regulated thereby; and it shall be the duty of such officers to obey such directions.

Administrative officers to report annually.

§ 11. The administrative officers of the city, and all others, if required by the mayor, shall annually, on the first day of December, from time to time, when required by the mayor, report to him in writing the condition of their respective offices, and of the business and all matters therein, touching the interests of the city, and what business has been finished, and what remains unfinished of the last year.

Officers receiving money to stamp the same off.

§ 12. It shall be the duty of each officer of the city, who may be authorized to receive money for assessments or taxes, to procure a stamp with his name upon it, with moveable type for the date, and he shall stamp with said stamp, opposite to each lot upon which the assessment or tax may be paid, with date, each day as the money may be paid to him.

Expenses not to be incurred unless authorized by common council.

§ 13. No officer of the city shall incur any expense or obligation on the part of the city except the same shall have been first authorized by the common council by resolution or ordinance pursuant to the provisions of the charter.

§ 14. All orders for repairs or supplies of any kind shall, before the same shall become operative, be presented to the comptroller, and shall by him be registered in a book to be provided for that purpose, and shall be countersigned by him, and charged to the proper account.

Orders for repairs to be presented to comptroller.

ARTICLE II.

THE MAYOR.

SEC. 1. Mayor to grant licenses.
2. Powers and duties of mayor relative to city officers.
3. Mayor to examine and approve requisitions for work and supplies.

SECTION 1. The mayor shall grant licenses for the purposes authorized by section thirteen of title II. of the city charter, to expire on the first day of April thereafter, to such residents of the city of the age of twenty-one years, duly qualified according to the ordinances of the common council, as he may deem proper, unless the common council shall otherwise designate, and may revoke the same at pleasure.

§ 2. The mayor shall supervise the conduct and acts of all city officers; and in case of a violation or neglect of duty or other misconduct of any officer, he shall transmit to the common council information thereof, with such facts and particulars as to enable specifications of the charge to be made against such officer, under section twelve of title III. of the city charter; and for the performance of his duty in this respect and otherwise, he shall at all times have full power to examine all books and papers in the possession or custody of such officers, and to examine any deputy, clerk or other subordinate.

Powers and duties of mayor relative to city officers.

§ 3. He shall, whenever any work shall be requisite, either for construction or repairs for general or local purposes, or any supplies shall be required, which work, repairs or supplies may be done or furnished by any city officer, without the special order of the common council, examine, upon a requisition to be made by such officer, stating the object and amount, into the necessity of the same, and before such work shall be done or such supplies furnished, or any liability therefor incurred by the city, he shall signify his approval of such requisition; except for repairs of lamps and lamp-posts, and of wells and pumps.

Mayor to examine into and approve requisitions for work or supplies.

ARTICLE III.

THE AUDITOR.

Sec. 1. Duties of the Auditor.
2. Bills and claims to be entered.
3. Examination of accounts.
4. When bills may not be certified to, payable out of general fund.
5. Or out of special fund without certain certificates.
6. To inquire into the justice and legality of all bills.
7. Power to call for information from all other city officers.

CHAPTER I.
ARTICLE III.
Duties of the Auditor.

SECTION 1. It shall be the duty of the auditor to audit all bills or claims presented against the city before payment thereof; but no claim shall be audited or paid unless the same shall be first presented to the common council, and by it referred to the auditor; or unless it be for a local improvement, payable from the proceeds of local assessments, or for an object specially provided by ordinance to be done by some other department of the city government.

Bills and claims to be entered.

§ 2. He shall enter all bills or claims sent to him in appropriate books in the order presented—such entry showing when and by whom presented, the amount claimed and the amount allowed, and the account to which it shall be chargeable.

Examination of accounts.

§ 3. He shall examine all bills or claims, and the items of each; and after certifying such bills or claims, he shall deliver such of them as may have been referred to him by the common council to the finance committee, and all others to the comptroller. He shall send all bills or claims rejected by him to the common council, or to the department from which they shall have come, with a statement accompanying each of them, of the grounds upon which he shall have rejected them. He may, if he deem proper, send to the common council such rejected bills as may have come from the departments.

When bills may not be certified to, payable out of general fund.

§ 4. He shall certify no bill or claim payable out of the general fund unless the expenditure shall have been authorized by a resolution of the common council, or by ordinance; nor in any case authorized by ordinance without the certificate of the heads of the department directed by such ordinance to make such expenditure, and such other vouchers as such ordinance may prescribe.

Or out of the special fund without certain certificates.

§ 5. He shall certify no bill or claim payable out of the special fund unless upon the certificate of the commissioners of city works and counselor in all matters of opening streets, parks or squares, and upon the certificate of the commissioners of city works and a city surveyor in all improvements where the services of a city surveyor are employed, except opening of streets and squares as aforesaid, and upon the certificate of the commissioners of city works in all other cases certifying that the claimant, in matters of opening streets and squares, is entitled to the amount, without deduction for any assessment, mortgage, judgment or other incumbrance, and that the claimant in other matters has fully and faithfully performed his contract, or furnished the materials, and is entitled to the

amount, and that all penalties or forfeitures for neglect or non-performance of the contract have ben deducted.

Auditor to inquire into the legality and justice of all bills.

§ 6. Nothing in this ordinance contained shall authorize the auditor to audit any bill or claim not incurred under due authority of law, or for work or services which shall not have been rendered, or for materials or supplies which shall not have been furnished, or to audit any charges which shall not be just and reasonable or according to contract; but he shall reject all such bills, claims or charges, any resolution or ordinance of the commom council, or certificates to the contrary notwithstanding.

Power to call for information from all other city officers.

§ 7. He shall have power to require from the different city officers all the information which they may possess, and to exhibit to him all books, contracts, resolutions and other papers and documents in their respective departments, or in their possession, requisite in his opinion to discharge his duties; and it is hereby made the duty of all the city officers to furnish and exhibit the same, when so required by him.

ARTICLE IV.

THE COMPTROLLER.

SEC. 1. The comptroller, his duties.
2. To draw warrants for bills audited and passed by finance committee.
3. To report to common council when appropriations exhausted.
4. To draw warrants for awards in local improvements and for cleaning streets, etc.
5. To have charge of the real estate of the city, its deeds, and evidences of indebtedness.
6. To examine and settle all accounts due the city.
7. To supervise fiscal officers, and direct the manner of making returns.
8. To report defaulters.

The comptroller, his duties.

SECTION 1. It shall be the duty of the comptroller to keep the accounts of the general, special and sinking funds in such a manner as to exhibit at all times the true condition of said funds, and of each account and appropriation thereof respectively.

To draw warrants for bills audited and passed by finance committee.

§ 2. He shall draw warrants for all bills, except for local improvements, and in cases otherwise specially provided for by ordinance, when such bills shall be duly audited and passed for payment by the finance committee of the common council; but no such warrants shall be drawn unless the sum specified therein be embraced in an appropriation previously made for the purpose by the common council. He shall insert in such warrant a distinct reference to the ordinance or resolution making the appropriation.

To report to common council when appropriations are exhausted.

§ 3. He shall report forthwith to the common council every case in which an appropriation shall be exhausted,

the object of which shall not be completed, and accompany such report with a statement of the moneys which have been drawn on such appropriation, the particular purposes for which they were drawn, the cause of the deficiency, and an estimate of the amount which will be necessary to complete the object of the appropriation.

To draw warrants for awards in local improvements and for cleaning streets, etc.

§ 4. He shall draw warrants to pay awards and expenses, in the matter of opening streets, avenues and squares, when they shall be audited, and the assessments for the purpose shall be collected and in the treasury, in favor of the persons entitled to such awards and expenses, unless there be assessments in the same matters against such persons entitled to awards, and then for the balance of award over such assessments, upon receiving an affidavit from such persons that they, if claiming as owners, were, at the time of the confirmation of the commissioner's report, the owner or owners of the property taken, and that there were no mortgages or leins against such property, or judgments affecting the same, to the best of their knowledge or belief, except as stated in said report; or if claiming as mortgagees or judgment creditors, or lien holders otherwise, that their mortgages, judgments or liens were, at the time of the said confirmation, liens for the amount claimed on the land taken, and remain unpaid for such amount. He shall draw warrants for all bills and expenses for other local improvements when audited, and when the assessments shall be collected and in the treasury, in favor of the persons entitled to receive the same. He shall also draw warrants for all bills for cleaning streets, and for repairing wells and pumps, when audited, if there be money in the treasury appropriated therefor, in favor of the person entitled thereto.

To have charge of the real estate of the city, its deeds, and evidences of indebtedness.

§ 5. He shall take charge of all the real estate of the corporation held in its own right, and report all encroachments thereon to the common council, and take charge of and preserve all deeds, leases, and evidence of indebtedness to the corporation.

To examine and settle all accounts due the city.

§ 6. He shall examine, adjust and settle the accounts of all persons indebted to the corporation for any purpose, furnish bills and superintend the collection of rents, and in all cases, when he shall deem it necessary or proper, after consultation and with the approbation of the mayor and finance committee, direct such legal proceedings as may be necessary to secure the payment of such rents or debts, or to obtain possession of any premises belonging to the corporation.

§ 7. He shall supervise the fiscal concerns of all officers of the corporation, who may receive or disburse the public funds of the city, or who may be charged with the management or custody thereof, and prescribe the manner of making returns or statements of the amount of moneys disbursed or received by them or either of them. To supervise fiscal officers, and direct the manner of making returns.

§ 8. He shall report to the common council, immediately upon its discovery, any fault or delinquency by any officer of the corporation in respect to the matter mentioned in the last section, or otherwise affecting the finances of the city, and any officer authorized to receive money who may fail to draw his warrant for salary, and make the usual affidavit, for ten days after his warrant shall be drawn. To report defaulters.

ARTICLE V.

THE COLLECTOR OF TAXES AND ASSESSMENTS.

SEC. 1. The collector to furnish a memorandum of unpaid taxes and assessments, sales, with tax bills.
2. To have charge of ward maps.
3. To make corrections of owners' names and of ward maps.
4. To advertise lands for unpaid liens.
5. To aid assessors to make apportionment of taxes or assessments.
6. Rectified tax or assessment.
7. To file with the mayor a statement of all moneys received by him.

SECTION 1. The collector of taxes and assessments shall annually, before the annual tax rolls shall be delivered to him, prepare a list of all taxes and assessments remaining unpaid at the time of such delivery, and of all sales for the preceding year for unpaid taxes and assessments. He shall, before collecting the annual taxes, note against such property in red ink, or otherwise upon such tax rolls, so as not to interfere with the original entries on such tax rolls, a minute of any such unpaid taxes or assessments upon, or sales for, unpaid taxes or assessments of such property. He shall, at the time of delivering any bill for taxes, note upon such bill any such tax or assessment remaining unpaid upon the property mentioned therein, and also any sale of such property for any unpaid tax or assessment. The collector to furnish a memorandum of unpaid taxes and assessments, sales, with tax bills.

§ 2. He shall have charge of the ward maps, and shall keep them in his office, accessible to the assessors and the public. To have charge of ward maps.

§ 3. He shall, whenever any error shall be discovered in the annual tax rolls in the name of any person taxed, or in the description of the property, enter the correct name in red ink over the original one in the roll, and correct the ward map by inserting a true diagram of the property separate from the map, or by any alteration of the map itself when it can be done without injury thereto. To make corrections of owners' names and of ward maps.

To advertise lands for unpaid liens.

§ 4. He shall, at least once in every month, cause all lands upon which assessments shall remain unpaid, to be advertised and sold, pursuant to sections twenty-four and twenty-six, of title five, of the city charter, and require payment in cash on the day of sale of the sums bid at such sale.

To aid assessors to make apportionment of taxes or assessments.

§ 5. He shall, whenever any tax or assessment shall have been erroneously made as regards the ownership of any lands, so as to require merely an apportionment between different owners thereof of the amount of such tax or assessment, and an affidavit shall be furnished him showing the true limits of each ownership in such lands, and the names of the different owners, transmit such affidavit to the board of assessors, with a statement of the manner in which such tax or assessment is laid, and of the amount, with a request to such board to make such apportionment.

Rectified tax or assessment.

§ 6. He shall, whenever any erroneous tax or assessment shall be rectified by the common council, and such rectification shall be certified to him in writing by the city clerk, cause a minute thereof to be entered in red ink upon the original tax or assessment roll.

To file with the mayor a statement of all moneys received by him.

§ 7. He shall furnish, and file with the mayor, a daily statement of all moneys received by him or either of his deputies, designating for what account received, whether for taxes or assessments or any other purpose. He shall also state the amount paid out, to whom and for what purpose the same was paid; and it is hereby made the duty of the mayor to report to the common council at its next meeting any departure from a strict compliance with this section and section two of the duties of treasurer, as amended.

ARTICLE VI.

THE ATTORNEY AND COUNSELLOR AND ASSISTANT ATTORNEY.

SEC. 1. Attorney and counsellor to appear in all actions on behalf of the city.
2. To give advice.
3. To conduct proceedings in opening streets.
4. To keep registers.
5. To keep an account of receipts and disbursements, and to account therefor.
6. To make report of business in his office annually.
7. To appoint an assistant.
8. Assistant to prepare statements for counsellor.
9. And prosecute claims in favor of the city.
10. And prosecute for violation of ordinances.
11. To draw conveyances under direction of counsellor.
12. To make returns to *Certioraris*.
13. Appearances in actions by or against the city.
14. Counsellor to nominate two constables to serve process.
15. Counsellor to report judgments against the city to common council.
16. To give notice of sale of property for unpaid taxes or assessments.
17. When such notice shall be given.
18. Ordinance clerk.

19. Qualifications and office hours of ordinance clerk.
20. Costs and fines to be paid to comptroller monthly.
21. Salary of ordinance clerk and messenger.
22. Suits to be brought for violations of ordinances.
23. Records to be kept.
24. Office of ordinance clerk.
25. Police commissioners to give notice.
26. Salary of constables appointed by attorney and counsellor.

Attorney and Counsellor to appear in all actions on behalf of the city.

SECTION 1. The attorney and counsellor shall himself, or by his own proper substitute, appear for and conduct or defend all actions and legal proceedings on behalf of the city, in all courts and places where the city shall be required, except as in this article provided to be done by the assistant attorney.

To give advice.

§ 2. He shall, whenever requested by the common council, the mayor, or head of any department of the corporation, to give his opinion, do so in writing, and such opinion shall be filed with the city clerk, or in the office of the mayor or department requiring the same respectively.

To conduct proceedings in opening streets.

§ 3. He shall conduct all proceedings for opening or closing streets, avenues or squares, and all local improvements where the intervention of commissioners shall be necessary, under the constitution and laws of the State; advise such commissioners in the performance of their duties, and attend on all requirements in court in relation to such proceedings.

To keep registers.

§ 4. He shall keep a register, in which shall be entered a minute of all proceedings in any action prosecuted or defended by the city, except as in this article provided to be kept by the assistant attorney; and also a separate register, in which shall be entered all proceedings had by him in matters of local improvements.

To keep an account of receipts and disbursements, and to account therefor.

§ 5. He shall enter in such registers a minute of all moneys received or disbursements by him necessarily paid in any action or proceeding or otherwise, and shall monthly make a return to the comptroller of all moneys so paid out and received, showing the items in each case, and the action or proceeding or purpose in and for which the same shall have been received or paid out, and shall, at the same time, pay the moneys so received to the treasurer. The financial officers of the city are hereby authorized to audit and pay the said disbursements, and to draw warrants therefor.

To make report of business in his office annually.

§ 6. He shall annually, on or before the first Monday of November, and as often as the common council shall direct, report to the common council the condition of the business in his office, specifying the different actions and proceed-

ings which may be pending separately, except for violation of ordinances; the time when they were severally commenced, and the then present position of each.

To appoint an assistant.

§ 7. He shall employ a suitable person of the degree of counsellor at law to be called the assistant attorney, who shall perform the duties hereinafter required of such assistant, but this section shall not require an appointment in place of the present incumbent or corporation attorney, who shall perform, for the residue of his term, the duties by this ordinance devolved upon the assistant attorney.

Assistant to prepare statements for counsellor.

§ 8. The assistant attorney shall, subject to the direction of the counsellor, whenever any action shall be commenced against the city, or any proceeding instituted to which the city shall be a party respondent or defendant, examine into facts and ascertain as fully as practicable the grounds upon which such action or proceeding shall be based, and of the defence, if any there be thereto, and report the same in writing to the counsellor, with the testimony and names of witnesses which it will be in the power of the city to produce on the trial or hearing thereof.

And prosecute claims in favor of the city.

§ 9. The assistant attorney shall, subject to the direction of the counsellor, prosecute all actions in behalf of the city, for the collection of all claims due to it for purposes other than for local improvements; but he may in important or intricate cases require the aid of the counsellor in such actions.

And prosecute for violation of ordinances.

§ 10. The assistant attorney shall, subject to the directions of the counsellor, prosecute all actions for penalties for violations of ordinances; and shall, in a register provided for the purpose, enter the nature of the complaint, against whom and by whom made, and the time such complaint shall be made to him, with all the proceedings taken by him to collect such penalties. He shall, in all cases, cause the judgment of the court therein to be executed forthwith. If such judgment shall be appealed from, he shall conduct the proceedings on such appeals, but may require the aid of the counsellor when necessary.

To draw conveyances under direction of counsellor.

§ 11. The assistant attorney shall, when directed by the counsellor, draw any leases, deeds, or other legal papers for the city, and when drawn submit them to the counsellor for his approval.

To make returns to *certiorari*.

§ 12. The assistant attorney shall, subject to the direction of the counsellor, whenever a *certiorari* shall be issued against the city removing any proceedings, make return

thereto within forty days, unless the court shall order it to be done sooner. He shall immediately notice the same for argument, and furnish the counsellor with all such papers as may be necessary therefor.

Appearances in actions by or against the city.

§ 13. The said attorney and counsellor and the said assistant attorney are hereby respectively authorized to appear in and to conduct and defend, for and on behalf of the city, any action or proceeding in this article before mentioned, to be brought or defended by them respectively.

Counsellor to nominate two constables to serve process.

§ 14. The attorney and counsellor shall nominate to the mayor, who shall appoint one of the constables of the city, who shall serve all process issued by or in the name of the city, board of health, and all subpœnas issued on their behalf; and who shall return monthly to the counsellor a detailed statement of all process and subpœnas served by him before receiving his compensation for such service.

Counsellor to report judgments against the city to common council.

§ 15. The mayor, attorney and counsellor shall, in all cases where judgment has been obtained against the city, report the same to the common council at the next regular meeting of the board after such judgment has been obtained, with the nature of the case and exception taken, and whether in his opinion the same should be appealed, and, unless otherwise directed, he shall at once proceed to take an appeal from such judgment; and as soon as the said appeal shall have been taken and shall have been decided, he shall report the decision to the said common council, that the said common council may direct such further action as they may be advised, and the said counsellor shall, in the meantime, see that no right of the city be lost for want of proper attention.

To give notice of the sale of property for unpaid taxes and assessments.

§ 16. It shall be the duty of the attorney and counsellor to give notice of the sale of any property liable for unpaid taxes or assessments where required by the charter.

When notice shall be given.

§ 17. Such notice shall be given by them six months after the sale of such property at public auction by the collector of taxes.

Ordinance clerk.

§ 18. The attorney and counsellor may appoint an ordinance clerk, who, subject to his direction and control, shall have the entire charge and management of the business of prosecuting all persons violating any ordinance, and conducting all cases in reference to, or arising out of, the violation of any ordinances of the city, and shall hold his office during the pleasure of the common council.

CHAPTER I.
ARTICLE VI.
Qualifications and office hours of ordinance clerk.

§ 19. No person shall be appointed to hold such position unless he shall have been duly admitted to practice in the supreme court of this state, and such appointee shall attend at the office of the attorney and council from nine o'clock in the forenoon, (unless actually engaged in court, in the prosecution of such cases) to receive complaints and attend to the duties of such business.

Costs, fines, etc., to be paid over to comptroller monthly.

§ 20. Such ordinance clerk shall pay over to the treasurer of the city monthly, and before the receipt of his salary, all sums collected from the prosecution of such cases, whether for costs, fines or expenses, and the appointment of such person by the attorney and counsel of the city shall be deemed to be and shall be a surrender to the city of all claims on his behalf for costs in any such suit or action, and such clerk shall render an account of all such collections to the comptroller monthly, in such manner as may be required by him.

Salary of clerk and messenger

§ 21. The salary of such ordinance clerk shall be as fixed by the attorney and counsellor, and may have the assistance of the messenger of the attorney and counsel of the city, so far as not inconsistent with the business of his office, and the attorney and counsel is hereby authorized to appoint a second messenger at a salary to be fixed by him.

Suits to be brought for violation of ordinances.

§ 22. Such ordinance clerk shall bring suits for such violations before all the justices of the peace of said city, and before the police justice, but he shall, so far as the same can be practically done, bring such suits before the justice holding court nearest the place of the violation, and each of such justices are hereby directed to give such suits a preference over the civil business upon at least one day in each week, or as often as may be necessary for the prosecution of such business.

Records to be kept.

§ 23. Such ordinance clerk, in books properly prepared and indexed, shall keep a record of every complaint received by him, and the disposition thereof, and the amount collected therefrom, and no such suit shall be discontinued except in open court and with the consent of the justice, except upon a written consent of the party or department making the complaint, or upon the written request of the mayor, and any discontinuance of any such suit, except as hereinbefore allowed, shall make such clerk liable to be removed from office by the common council.

Office.

§ 24. Such clerk may have the use of the committee-room of the common council for such business during the day,

and when not otherwise occupied, and until further otherwise directed.

Police Commissioners to give notice.

§ 25. The police commissioners are hereby required to cause notice to be given to all persons violating any ordinance, and not to report any case until a fair opportunity has been given to the party offending.

Salary of constables appointed by attorney and counsellor.

§ 26. The salary of each of the constables appointed by the attorney and counsel of the city for all services required of them, including the service of papers and executing of process in suits and proceedings for the violation of ordinances, shall be fixed by the attorney and counsellor, and each of said constables is to devote the whole of every alternate month to the discharge of such duties.

ARTICLE VII.

THE TREASURER.

SEC. 1. Treasurer to make weekly returns to the comptroller.
2. To deposit moneys daily.
3. To report to common council banks selected by him.
4. To withdraw deposits from non-dividend paying banks.
5. To withdraw moneys when they may be in jeopardy.
6. To report to common council.
7. To report officers failing to pay over.

Treasurer to make weekly returns to the comptroller.

SECTION 1. The treasurer of a city shall make a return weekly to the comptroller of all the moneys received by him, and from whom, and on what account they shall have been received; also of all moneys paid out by him, and on what account they shall have been paid.

To deposit moneys daily.

§ 2. He shall deposit daily, to the credit of the city, all moneys received by him, in some one of the banks selected by the common council for that purpose, and in default of any such selection, or in case the banks so selected shall have on deposit moneys of the city equal to one quarter part of their capital respectively, actually paid in, then in such banks paying to their stockholders half-yearly dividends of profits, as he may think fit, but no greater amount shall be deposited in any bank than shall be equal to one-quarter part of its capital stock. [He shall obtain from each bank a certificate of the amount deposited by him, and shall append thereto a statement of his own, showing how much and to what fund the sum so deposited had been credited by him, and file the same in the mayor's office on the same day and immediately after making such deposit. —*Adopted Jan.* 3, 1859; *approved by the mayor Jan.* 8, 1859.]

To report to common council banks selected by him.

§ 3. In case he shall hereafter deposit any moneys in banks other than those selected by the common council, he shall report to the common council the names of the banks

CHAPTER I. ARTICLE VII.

in which he shall so deposit, and the terms, if any, upon which such bank or banks shall have received the deposits; and thereupon, and until some different order by the common council in relation to the deposit of such moneys, such bank or banks shall be deemed to be deposit banks of the city of said moneys, and of any further moneys upon the terms upon which he shall have agreed with said bank or banks to receive them.

To withdraw deposits from non-dividend paying banks.

§ 4. He shall, whenever any deposit bank of the city shall omit to pay half-yearly dividends of profits to its stockholders, immediately draw out such moneys of the city as may be on deposit therein, and deposit the same in some other bank or banks under the restriction mentioned in sections two or three of this article; and the financial officers of the city are hereby authorized to draw the necessary warrant or warrants of transfer for the purpose.

To withdraw moneys when they may be in jeopardy.

§ 5. He shall, whenever the moneys of the city on deposit in any bank or banks are, in his opinion, in jeopardy, draw them out of such banks with the consent of the mayor and finance committee, and deposit them in some other bank or banks, under the restriction mentioned in sections two and three of this article; and the financial officers of the city are hereby authorized to draw the necessary warrant or warrants of transfer for the purpose.

To report to common council.

§ 6. He shall, on the first day of August, November, February and May, in each year, report to the common council, and publish in the corporation newspapers, a full and accurate statement of all moneys on deposit by him, as treasurer, in the different banks, specifying the different accounts to which the deposits belong and the banks in which they are contained, and the amount of interest accrued thereon.

To report officers failing to pay over.

§ 7. He shall report to the common council any officer authorized to receive money, who may fail to make a return of the moneys received by him for ten days after the first of the month, as provided in section twenty-nine, title three, of city charter.

ARTICLE VIII.

THE CITY CLERK.

SEC. 1. City clerk to keep minutes of the different boards.
2. To have custody of the corporate seal.
3. And of the city records and documents.
4. To engross ordinances.
5. And publish them.
6. To engross reports of committees and city officers.
7. To present ordinances and resolutions for the approval of the mayor, etc.

8. To keep an account of warrants on the treasury.
9. To receive license moneys.
10. To keep and render an account of all moneys received by him.
11. Deputy clerk and assistants.

SECTION 1. The city clerk, by virtue of his office, is clerk of the common council, and of the board of canvassers of votes given for the city and ward officers, and it shall be his duty to attend the meetings of the said boards, respectively, and keep correct journals and minutes of the proceedings thereof, and record the same in separate books to be kept in his office. City Clerk to keep minutes of the different boards.

§ 2. He shall have the custody and charge of the corporate seal of the city, and shall cause it to be affixed to such instruments and writings as he may be authorized to do by any resolution or ordinance of the common council, or as may be necessary to exemplify any document of record in his office or to certify any act or paper which, from the records in his office, shall appear to have been a public act of this corporation, or a public document. He shall not affix the said seal, or cause or permit it to be affixed, to any instrument or writing, or other paper, except as in this section provided, unless required to do so by some statute of the state. To have custody of the corporate seal.

§ 3. He shall have the custody and charge of, and shall safely keep all records, documents, papers and maps in proper files, and also the printed books and documents belonging to the city, or to the late towns, villages and cities of Brooklyn, Williamsburgh and Bushwick, or to belong to the city, except such as shall necessarily pertain to the business of any other department of the city, or be transferred thereto by order of the common council. And of the city records and documents.

§ 4. He shall cause all ordinances, by-laws, rules or regulations passed by the common council imposing a penalty, or prescribing or regulating the duties of the city officers, to be carefully and fairly engrossed in books to be provided for that purpose. He shall engross all such ordinances, by-laws, rules and regulations, except such as shall be passed under the provisions of sub-division fourteen, of section thirteen, of title two of the city charter, and except such as may be of a similar character, that is of a special application, in a separate book, to be known as the records of general ordinances. He shall cause each ordinance, by-law, rule or regulation when so engrossed to be signed by himself as clerk, and also by the mayor. He shall engross, after each general ordinance, a copy certified by himself, of the proof of the due publication thereof; but his omission to engross any such ordinance, by-law, rule or regula- To engross ordinances.

tion, or proof of publication thereof as directed, shall not impair or affect its validity in any respect.

And publish them.

§ 5. He shall, upon the final passage of any ordinance or resolution of the common council, prepare a copy of such as require a publication under the charter, or by the provisions of such ordinance, and cause the same, properly attested, to be published in the corporation newspapers, and shall file in his office the requisite proofs of such publication.

To engross reports of committees and city officers.

§ 6. He shall cause entire copies of all reports of committees of the common council and of the city officers, after they shall have been finally acted upon by the common council, together with a statement of the action thereon, to be made in proper books to be kept for that purpose, with proper indexes.

To present ordinances and resolutions for the approval of the mayor.

§ 7. He shall without delay present to the mayor every ordinance or resolution of the common council required to be acted upon by the said mayor, duly certified, and as soon as practicable after final action shall be had in the passage of any special ordinance or resolution, deliver a certified copy or statement of the same to the departments or officers of the common council to whom such ordinance may refer, and to all committees, such resolutions and communications as may be referred to them by the common council. He shall issue notices to the respective members of the different committees of the board, and all persons whose attendance may be required upon such committee, when directed to do so by the chairman thereof, to be served by the messenger of the common council.

To furnish copy resolutions to officers.

To issue notices.

To keep an account of warrants on the treasury.

§ 8. He shall keep an accurate account of all warrants, countersigned by him, directing moneys to be drawn from the treasury, in a book to be provided for that purpose, showing the date, amount and number of each, the account to which the same shall be charged, and the bank upon which it shall be drawn or by which it shall be directed to be paid.

To receive license moneys.

§ 9. He shall countersign all licenses granted by the mayor or common council under the charter and ordinances of the city, and receive all sums paid for the same.

To keep and render an account of all moneys received by him.

§ 10. He shall enter into a book provided for that purpose the names of all payers of moneys which he may receive for the city, the amount so received, and the object thereof, and shall render a faithful and distinct account of all such moneys to the comptroller monthly, and thereupon pay over the same to the treasurer of the city.

§ 11. He may appoint a deputy who, in his absence in consequence of sickness or otherwise, shall be empowered to perform all the duties of the city clerk, and such other assistants in number as the common council may authorize. Deputy clerks and assistants.

ARTICLE IX.

THE BOARD OF CITY WORKS.

SEC. 1. Supervisory powers of commissioners of city works.
2. Publication of notices.
3. Copies of assessment rolls to be furnished collector of taxes and assessments.
4. Duties in the matter of opening streets.
5. Abandoned lands, how disposed of.
6. Buildings taken in proceedings for opening streets to be advertised.
7. Items of expense to be furnished assessors.
8. Estimates for work, or how supplies to be advertised for.
9. Flagging sidewalks, digging down and filling up lots to be advertised.
10. Obstructions or incumbrances to be removed, and reported to the attorney and counsellor.
11. Power to grant permits.
12. Further power in relation to permits.
13. Duties in relation to contracts.
14. Penalty for neglect to complete the work to be enacted.
15. Maps and profiles of streets and avenues to be made and filed.
16. Claims of contractors to be certified by commissioners of city works before being paid.
17. Papers relating to each matter of assessment to be filed together.
18. Lamp-posts, how to be set.
19. To have charge of all repairs and supplies for public buildings, etc.
20. Repairs.
21. Examination of work.
22. Report to the mayor.
23. Wells and pumps, repairs.
24. Repairing lamp-posts.
25. Report to common council.
26. Schedule of articles of supplies required.
27. Superintend supplies.
28. Statement of costs.
29. Certificate to be made.
30. Books to be kept.
31. Superintend delivery of articles.
32. Account to be kept.
33. Payment of bills.
34. Board of city works authorized to disburse costs for supplies.

SECTION 1. The commissioners of city works shall have supervision over all the streets, avenues, squares, wharves and piers, and public places, wells and pumps, and cisterns of the city, and of all works thereon done by order of the common council, and over all contracts for grading and paving streets, for constructing wells and pumps and public cisterns, and all other improvements for which assessments are to be laid, and such contracts shall be executed by them on behalf of the city, and when so executed shall be filed in their office. Supervisory powers of commissioners of city works.

§ 2. They shall publish all notices required by law to be published by the common council, relative to local improvements and assessments not devolved upon any other officer. Publication of notices.

§ 3. They shall furnish to the collector of taxes and assessments fair copies of all assessment rolls, within ten days after the same shall be confirmed. Copies of assessment rolls to be furnished collector of taxes and assessments.

CHAPTER I.
ARTICLE IX.
Duties in the matter of opening streets.

§ 4. They shall in the matter of opening streets, avenues and squares, publish the notice required by law for remonstrances against the same, and the district to be assessed, and cause the necessary maps to be made for the use of the commissioners, and after the confirmation of the commissioners' report in any such manner, they shall deliver a copy thereof to the collector, within ten days after such confirmation.

Abandoned lands, how disposed of.

§ 5. They shall, whenever any lands have been abandoned in the opening of any street, avenue or square and the amount fixed by the commissioners as their value shall have been paid or tendered to the owner, offer said lands to the owner or owners of the lands next adjacent thereto, at the price or value fixed upon the same by the commissioners, and if the said owners shall neglect to take the same within ten days after the delivery of the notice containing such offer, they shall advertise the same for at least five days in the corporation newspaper or newspapers, for sale at auction at the commissioner's office, and the same shall, at the time stated in such advertisement, be sold to the highest bidder, and the net proceeds thereof shall be paid by them into the city treasury to the credit of the improvement. If the adjacent owner or owners before mentioned shall neglect to take the lands so abandoned at the valuation of the commissioners, or if the said lands be sold to other parties, the commissioners shall cause proper deeds or conveyances for the same to be prepared or properly executed, and delivered to the owners or other purchasers as the case may be, and the amount received for the same shall be paid into the treasury to the credit of the improvement. The mayor and city clerk are hereby authorized and directed to execute such deeds or conveyances under the corporate seal of the city.

Buildings taken in proceedings for opening streets to be advertised.

§ 6. They shall, whenever any building shall be taken in any proceedings for opening streets, avenues or squares, advertise the same for five days at least in the corporation newspapers, for sale at public auction at their office, and the same shall, at the time fixed in such advertisement, be sold by them to the highest bidder, and the net proceeds thereof shall be paid into the treasury in like manner as in the case of lands abandoned.

Items of expense to be furnished assessors.

§ 7. They shall make up and furnish the assessors the items of expense, and all matters of assessments except in opening streets, avenues and squares, together with a copy of the resolution authorizing the assessment, and a book (and if necessary a map) in proper form for having such assessments made therein.

Estimates for work or supplies to be advertised for.

§ 8. They shall advertise and receive estimates for all work or supplies to be done by order of the common council, and advertise said proposals and award contracts as by law provided.

Flagging sidewalks, digging down and filling up lots to be advertised.

§ 9. They shall, whenever the common council shall intend to pass any ordinance for flagging and reflagging sidewalks, fencing, digging down, filling up or walling lots, publish a notice of such intention, or, if the common council shall so direct, cause such notice to be personally served, as the common council shall direct, and they shall cause proof of such publication or personal service to be made and filed in their office, before the passage of any such ordinance. They shall prepare such ordinances and superintend all the proceedings in relation thereto.

Obstructions or incumbrances to be removed and reported to the attorney and counsellor.

§ 10. They shall have power to remove or cause to be removed any obstructions or incumbrances from all the streets, lanes, alleys, roads, wharves and public places in the city. They shall report the person causing any such obstruction or incumbrance to the attorney and counsellor for prosecution, and the expense of such removal shall be paid out of penalties in the treasury, except for violations of the health ordinance, and the financial officers of the city are authorized to audit and pay the same, and to draw warrants therefor.

Power to grant permits.

§ 11. They shall have power to grant permits to builders and others to occupy not to exceed one-third of the width of the carriage-way of any street or avenue, with building materials, provided in their opinion, the public interest and convenience will not suffer thereby. All such permits shall provide expressly that they are given upon condition that the sidewalks and gutters shall at all times be kept clear and unobstructed, and that all dirt and rubbish shall be promptly removed, from time to time, by the party obtaining such permit, and all such permits may be revoked by them at pleasure.

Further powers in relation to permits.

§ 12. They shall have power to grant permits to excavate in any street or avenue, to any extent not exceeding the width of the sidewalk, for the purpose of constructing vaults, cesspools, ovens or cisterns, the party applying for such permit to pay to the commissioners for the use of the city, ten cents per superficial foot for every foot so occupied. In case any party shall so construct a cistern of the capacity of one hundred hogsheads and upwards, under the sidewalk of any street or avenue, and shall consent that the same be used in case of fire, and shall cover the same as the public cisterns are covered, so that the firemen can obtain free access to the water, the commissioners are here-

by authorized in such cases to grant a free permit for such cisterns. All permits to excavate for any of the above purposes shall provide that the person or persons obtaining the same shall at all times properly protect said excavations, as the commissioners shall direct, so as to prevent accident, and also that the same shall be covered up and completed within the time to be named in such permit, and the parties obtaining such permit shall execute a bond with sureties to indemnify the city of Brooklyn against any danger it may sustain, or for which it may be made liable as incident to, or in consequence of, such excavation.

Duties in relation to contracts.

§ 13. They shall insert in all contracts for grading or paving any street or avenue, and all such contracts shall contain a provision that if the contractor or any other person shall bring or cause to be brought on said street or avenue any materials which do not strictly conform to the contract or city ordinances, the commissioners shall, on behalf of the city, have the right to order the same to be removed forthwith from off such street or avenue, and in case of the neglect or refusal of a contractor, or those employed by him, to remove such materials, to cause the same to be removed at the expense of the contractor, and to deduct the cost of such removal, and all other expenses thereon, from the amount of the contract. In case of the violation of any such provision, they shall proceed as hereby authorized.

Penalty for neglect to complete the work to be enacted.

§ 14. They shall insert in all contracts for improvements payable by local assessment, any such contracts shall contain a provision that the penalty for each day's neglect to complete the work according to the contract, beyond the time fixed therein, shall be five dollars, where the gross amount to be paid to the contractor shall be less than five thousand dollars, and five dollars per day additional for every five thousand beyond that sum, to be specified in the contract. They shall in all cases insist on the deduction of such penalties.

Maps and profiles of streets and avenues to be made and filed.

§ 15. They shall, under the direction of the common council, cause all necessary maps and profiles of streets, avenues and squares to be made, and the same shall be filed in their office, together with all original assessments, rolls or lists and reports of commissioners of estimate and assessment. All maps, profiles and assessment lists shall be kept open during business hours for examination by parties interested therein.

Claims of contractors to be certified by

§ 16. They shall certify to the auditor, in all cases of local improvements, before any claim thereof shall be paid,

or certificate of indebtedness issued, the amount due thereon; but they shall give no such certificate unless they first deduct all penalties and forfeitures under any contract under which such claim shall be made.

Commissioners of city works before being paid.

§ 17. They shall take charge of and keep all reports of commissioners for opening streets, and all assessment rolls for other local improvements, and shall take charge of, safely keep and file, in a convenient manner, all petitions, remonstrances, reports, certificates, orders, proofs and papers connected with the proceedings in relation to such improvements, and necessary to show the regularities of such proceedings, and it shall be the duty of the city officers, who shall have any such reports, assessment rolls, petitions and other papers before named in their possession, to deliver the same to the commissioners of city works as soon as they shall have performed any requirement of them by law in relation thereto. They shall, in each matter of assessment, file together the papers relating thereto, making up a continuous record of the proceedings as far as may be.

Papers relating to each matter of assessment to be filed together.

§ 18. It shall be the duty of the commissioners of city works to regulate the setting of lamp-posts in the streets, avenues, lanes and public places, of the city of Brooklyn, whenever done by their direction or authority, or by the direction or authority of the common council, so that such lamp-posts shall not be placed nearer together than a distance diagonally of one hundred and forty (140) feet, except when the blocks are over two hundred feet (200) wide; then each block shall have one lamp-post set in the centre of the block, between corner-posts. On all intersecting streets there shall be two posts on two of the four corners and diagonally opposite each other.

Lamp posts, how to be set.

§ 19. The commissioners of city works shall have charge of all repairs and supplies of and for the public buildings, station houses and bell-towers, wharves and piers belonging to the city, and of and for the pavements, sidewalks, crosswalks, public cisterns, lamps and lamp-posts, and gas, fuel and stationery for the public offices of the city, and of the construction of public buildings, station houses, and shall superintend the delivery and preservation of all supplies of fuel, stationery, blanks and furniture for the public rooms and offices of the city, its courts and police stations, and, under the direction of the aldermen of the wards, superintend the repairs of wells and pumps therein respectively, excepting where the provisions of the charter in relation to the various departments, authorize the making of repairs and purchase of supplies by authority of the common council or the mayor.

To have charge of all repairs and supplies for public buildings, &c.

CHAPTER I.
ARTICLE IX.
Repairs.

§ 20. They shall cause all repairs to be done, when ordered by the common council or the mayor, provided the cost thereof for any object, when ordered by the mayor, shall not exceed the cost authorized in this article to be expended for the same object by them with consent of the mayor.

Examination of work.

§ 21. They shall, previous to any of the repairs or constructions mentioned in the first section of this article being done, except repairs of wells and pumps, personally examine into their necessity and extent, and report thereon in writing to the common council, or to the mayor as hereafter provided, unless such work shall have been previously ordered by the common council or mayor, and they shall await and conform to their order respectively on such report.

Report to the mayor.

§ 22. They shall, whenever requested in writing by the aldermen of any ward to make immediate repairs of objects in their ward, not exceeding an expense of fifty dollars for any one object, report as aforesaid to the mayor, and, with his consent in writing to accompany such request and report, cause the same to be done.

Wells and pumps, repairs.

§ 23. They shall, whenever requested in writing by the aldermen of any ward in which the same is situated to repair a well and pump, cause such repairs to be done.

Repairing lamp posts.

§ 24. They shall, whenever any necessity shall exist for repairs of any lamp-posts, shall cause the same to be done.

Report to common council.

§ 25. They shall, in all cases of repairs necessary to be done, and not in this article otherwise provided for, and in all cases of construction, report to the common council, and await its action on such report.

Schedule of articles of supply required

§ 26. They shall, in the month of November, make up schedules of articles of supply required for the ensuing year by the city, enumerating the different articles, and stating the quantity and quality of each article, and submit the same to the common council, and await its action thereon.

Superintend supplies.

§ 27. They shall superintend the receipt and distribution of such supplies; and to enable them the better to prepare the schedules in this article before mentioned, they may require from every city officer who needs any supplies for their office or department, an estimate of the same; and it is hereby made the duty of every such officer to prepare the same.

§ 28. They shall, whenever any repairs shall be made by them, deliver to the auditor a statement in writing to be signed by them, of the cost thereof, and also the request, report and consent, or such of them as by this article are required, or, if ordered by the common council, a copy of their resolution, certified by their clerks, to be filed with the comptroller before payment, and for this purpose they shall cause a correct account to be kept of the work done, and materials furnished in each case. Statement of cost.

§ 29. They shall, whenever any supplies shall be furnished, and the contractor or seller of the same shall be entitled to his pay therefor, certify in writing to the auditor, that the same have been furnished according to contract or order, such certificate to be filed with the comptroller before payment. Certificate to be made.

§ 30. They shall enter in suitable books, to be kept in their office, an account of all the expenditures of their department, and of each separate branch for which distinct appropriations shall be made, and they shall in no case incur any expense for any object for which an appropriation shall not have been made. In case of failure of appropriation, they shall communicate to the comptroller such information as may enable that officer to report to the common council, as required by this ordinance. Books to be kept.

§ 31. They shall require all articles furnished by contract to be delivered to them as they may direct, and cause the same to be inspected to see that it conforms to the conditions of purchase. They shall endorse on each contract, or enter in a book to be kept for the purpose, the time and quality of each article supplied by contract. Superintend delivery of articles.

§ 32. They shall keep an account of the names and time of all men employed by them, and of the work upon which they shall be engaged, and of the materials provided or used for repairs, so as to show the exact cost of each subject or occasion of repairs. Account to be kept.

§ 33. The financial officers of the city are hereby authorized to audit and pay the bills for repairs and supplies to be made and furnished according to the provisions of this article, and to draw the necessary warrants therefor. Payment of bills.

§ 34. The said commissioners of city works are also authorized and empowered to disburse cash for any supplies, etc., needed by them, not exceeding in any one case the sum of fifty dollars, and they shall prepare a bill monthly, which shall be certified by them, and shall state the items, Board of city works authorized to disburse costs for supplies.

amounts and dates of such expenditures; also the account to which the same is chargeable, and report the same to the common council, to be checked by the finance committee, and it shall be the duty of the auditor to audit and the comptroller to pay the same, and charge the amount thereof against the said accounts, respectively. The financial officers of the city are required to pay to the said department the sum of five hundred (500) dollars out of the appropriation for water maintenance, as a permanent fund to be used by said department in making the petty payments hereinbefore referred to.

ARTICLE X.

ESTABLISHING A SCALE OF WATER RATES, AND FOR THE GOVERNMENT OF THE COMMISSIONERS OF CITY WORKS IN RELATION TO THE WATER WORKS.

SEC. 1.
1. On tenements sixteen feet and under.
2. Eighteen feet and over sixteen feet.
3. Twenty feet and over eighteen feet.
4. Twenty-two feet six inches and over twenty feet.
5. Twenty-five feet and over twenty-two feet six inches.
6. Thirty feet and over twenty-five feet.
7. Thirty-seven feet six inches and over thirty feet.
8. Fifty feet and over thirty-seven feet six inches.

2. Appointment of rents in certain cases.
3. Tenement rents, special rates, ferryboats, shipping, etc., how charged; special contracts.
4. Licenses for use of water for sprinkling streets.
5. Monthly payments.
6. Street sprinkling.
7. Plumbers required to give bonds.
8. Fees received from plumbers to be paid to city treasurer, and constitute part of a fund for repairs of streets.
9. Water may be cut off.
10. Opening any street pavement and boring water-pipes prohibited.
11. Rents for the use of water to be paid in advance.
12. Injuring and disfiguring water-works, etc.
13. Trespassing.
14. Opening hydrants without permission subject to fine.
15. Obstructions.
16. Persons prohibited from selling water without a license.
17. The restrictions, how understood.
18. Duty of the police department.
19. Powers of boards of city works.
20. In relation to the payment of moneys.
21. Insertions in mains not to be made above twenty-four inches without permits.
22. Tenement houses.
23. Hydrants.
24. Wooden-cased hydrants not permitted.
25. Water meters.
26. Officers of the department to have access to all parts of every building.
27. Duties of persons employed by the department.

On tenements 16 feet and under.

SECTION 1. On all tenements having a front width of sixteen feet and under, and not more than one story high, the sum of four dollars, of not more than two stories high, the sum of five dollars, of not more than three stories high, the sum of seven dollars, of not more than four stories high, the sum of nine dollars, and five stories high and over, the sum of ten dollars.

18 feet and over 16 feet.

2. On all tenements having a front width of not more

than eighteen feet and over sixteen, and of not more than one story high, the sum of five dollars; of not more than two stories high, the sum of seven dollars, of not more than three stories high, the sum of nine dollars; of not more than four stories high, the sum of ten dollars; and five stories high and over, the sum of twelve dollars.

20 feet and over 18 feet.

3. On all tenements having a front width of not more than twenty feet and over eighteen, and of not more than one story high, the sum of seven dollars; of not more than two stories high, the sum of nine dollars, of not more than three stories high, the sum of ten dollars; of not more than four stories high, the sum of twelve dollars, and of five stories high and over, the sum of thirteen dollars.

22 feet 6 inches and over 20 feet.

4. On all tenements having a front width of not more than twenty-two feet six inches and over twenty feet, and of not more than one story high, the sum of nine dollars; of not more than two stories high, the sum of ten dollars; of not more than three stories high, the sum of twelve dollars; of not more than four stories high, the sum of thirteen dollars; and of five stories high and over, the sum of fourteen dollars.

25 feet and over 22 feet 6 inches.

5. On all tenements having a front width of not more than twenty-five feet, and over twenty-two feet six inches, and of not more than one story high, the sum of ten dollars; of not more than two stories high, the sum of twelve dollars; of not more than three stories high, the sum of thirteen dollars; of not more than four stories high, the sum of fourteen dollars; and of five stories high and over, the sum of fifteen dollars.

30 feet and over 25 feet.

6. On all tenements having a front width of not more than thirty feet, and over twenty-five feet, and of not more than one story high, the sum of twelve dollars; and of not more than two stories high, the sum of fourteen dollars; of not more than three stories high, the sum of fifteen dollars; of not more than four stories high, the sum of sixteen dollars; and of five stories high and over, the sum of seventeen dollars.

37 feet 6 inches and over 30 feet.

7. On all tenements having a front width of not more than thirty-seven feet six inches and over thirty feet, and not more than one story high, the sum of fourteen dollars; of not more than two stories high, the sum of sixteen dollars; of not more than three stories high, the sum of eighteen dollars; of not more than four stories high, the sum of twenty dollars; and of five stories high and over, the sum of twenty-one dollars.

50 feet and over 37 feet 6 inches.

8. On all tenements having a front width of not more than fifty feet and over thirty-seven feet six inches, and of not more than one story high, the sum of eighteen dollars; of not more than two stories high, the sum of nineteen dollars; of not more than three stories high, the sum of

CHAPTER I. ARTICLE X.

twenty dollars; of not more than four stories high, the sum of twenty-one dollars; and of five stories high and over, the sum of twenty-two dollars.

Apportionment of rents in certain cases.

§ 2. In the apportionment of regular rents upon a dwelling house, the family or families occupying the same to number not more than twelve persons; for every person beyond that number an additional rent of fifty cents shall be charged.

Tenement rents.

§ 3. The rent of all tenements which shall exceed in width fifty feet shall be the subject of special contract with the department of city works.

Bakeries.—For every barrel of flour or meal used, the sum of one cent.

Barber shops.—Each wash basin, three dollars.

Bars and drug stores.—Five dollars to twenty-five dollars each according to use.

Bathing tubs.—In private houses, one allowed each without charge, and three dollars per annum each additional; and in public houses, boarding houses, establishments, barber shops and boarding schools, from five to twenty-five dollars each, at the discretion of the board of city works.

Building purposes.—For each one thousand bricks laid, or for stone work, to be measured as brick, ten cents per thousand. For plastering, forty cents per hundred yards.

Boarding schools shall be charged at the rate of from fifteen to fifty dollars each, and school houses at the rate of from ten to twenty dollars each per annum

Fountains, ordinarily used three hours per day, for a period of not more than four months in the year, shall be charged as follows: a one-sixteenth of an inch jet, the sum of seven dollars per annum; for one-eighth of an inch jet, the sum of fifteen dollars per annum; for one-quarter of an inch jet, the sum of forty dollars per annum; for a one-half inch jet, the sum of ninety dollars per annum; and for an inch jet, the sum of two hundred dollars per annum. No fountain shall be permitted on any premises where the water is not taken for other purposes, and to an extent sufficient for those purposes; and if the water from the jet or fountain be permitted to flow into premises adjacent to or in the neighborhood, where it may be used for other purposes, the supply shall be stopped and the amount of payment forfeited.

Cow and cattle stables.—For each and every cow or head of cattle, the sum of seventy-five cents; and for hogs, twenty-five cents per annum.

Horses, private.—For each horse, two dollars per annum, with privileges to wash carriages used in such stable.

Horses, livery.—For each horse, two dollars and fifty cents per annum. Railroad and omnibus horses the same rate.

Cart and other work horses.—One dollar per annum.

Horse troughs.—For each trough on sidewalks (which must be made to conform to a model trough kept in the commissioner's office), the sum of five dollars per annum.

Hotels and boarding houses shall, in addition to the regular rate for private families, be charged for each lodging room at the discretion of the water board, and not less than one dollar for each additional bed over those used by the family.

Market stalls and stands.—Butchers' stalls, each per annum, from two to five dollars; fish stalls, from three to ten dollars; fruit and vegetable stands, from two to five dollars, at the discretion of the board.

Porter houses, taverns and groceries, that retail liquors, shall be charged an extra rate of from five to thirty dollars, at the discretion of the board.

Refectories and printing offices shall be charged at such rates as may be determined in the discretion of the board.

Slaughter houses shall be charged at the rate of from two to three hundred dollars per annum each.

Street washers.—For each street washer for washing windows and sidewalks, on the sidewalk, in area or under the stoop or otherwise, the sum of two dollars per annum; plugs for other purposes shall be subject to assessment by the board.

Water closets.—For every water closet over one, two dollars per annum.

Large buildings such as churches, factories, storage, &c., shall be subjects of special contracts with the water board; and all large buildings, with stores or offices on the ground floor, and halls or offices above, shall rate the same as though each store or subdivision on the ground floor front was, with the building above it, a separate building.

Ferry boats, shipping, etc., how charged.

All manufacturing and other business, and all steam and ferry boats and shipping, requiring a large supply of water for steam engines and other purposes, are to be charged therefor one cent per one hundred gallons on the average estimated quantity during the year. Proportions of a year may be paid for to the termination of the current year, (but no deduction shall be made for less than one month in any instance,) at the discretion of the board of city works. This rule will apply in all cases.

Special contracts.

All matters not hereinbefore mentioned are reserved for special contracts by and with the board of city works.

Licenses for use of water for sprinkling streets.

§ 4. The board of city works shall grant licenses to such persons as it may deem proper, and they shall have

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a bond executed with ample securities for the payment for the water to the board of city works, and who will comply with the conditions of this ordinance, for permission to use Ridgewood water, from such of the public hydrants as may be designated by said board, for the purpose of sprinkling streets of said city.

Monthly payments.

§ 5. Every person who shall thus obtain a license shall pay to the board of city works at the rate of one cent for every hundred gallons that shall be respectively used by them for such purposes, the payments to be made monthly under oath.

Street sprinkling.

§ 6. The sprinklers used by every such person shall conform in every respect to a pattern kept in the office of the board of city works. Every cart used for sprinkling streets under the provisions of this ordinance shall have painted on each side of the cask, and exposed to public view, in black letters of not less than two inches in length, and on a white ground, the name and residence of the person under whose license the work is performed. Any person licensed to use Ridgewood water for the purpose of sprinkling the streets as aforesaid, who shall violate the provisions of this ordinance, shall in the discretion of the board, have his license revoked.

Plumbers required to give bonds.

§ 7. Each and every plumber licensed by the board of city works is hereby required, on or before the first day of May in each year, to execute and deposit in the department of city works a bond, with one or more sureties, to be approved by the president of that department in the sum of from one to five thousand dollars as may be demanded by the board, conditioned that he or they will indemnify and save harmless the mayor and aldermen of the city of Brooklyn from all costs and counsel fees, and from all accidents and damages consequent thereupon for or by reason of any opening in any streets, lanes or avenues made by him or them, or by those in his or their employment, for the purpose of putting down any service pipe or pipes for the introduction of the Ridgewood water, or for making any connection with any public or private sewer, or for any other purpose or object whatever, keep signal lights and proper barriers at all openings in the streets, and remove all surplus dirt, stones and materials within twenty-four hours after inspection and completion of any part thereof.

Fees received from plumbers to be paid to city treasurer, and constitute part of a fund for

§ 8. All fees received from plumbers by the commissioners of city works as the price or cost to the city for the work to be done by the proper officers in repairing over sewer and water connections, (after the plumbers shall have

filled the excavations made therefor,) shall be returned by the said commissioners to the city treasurer, and said money shall be and constitute a part of the fund for the repairs of streets, and the proper officers shall disburse said moneys in the same manner and for the same purpose as is disbursed the fund aforesaid in addition to any other sum or sums appropriated for said purpose.

repairs of streets.

§ 9. The supply of water may be cut off in all cases where extra or special rates are due and unpaid ten days.

Water may be cut off.

§ 10. All persons are forbid to open any street, pavement, or bore any water pipe, for the purpose of conducting the water into any dwelling or other edifice, or any other use, under the penalty of fifty dollars for each offense, unless with the written permission of the board of city works.

Opening any street pavement and forcing water pipes prohibited.

§ 11. All rents for the use of water shall be paid in advance at the time of applying for water, and before any permit is issued, to be calculated up to the first day of May succeeding, and all rents shall continue to be collected in advance, on the first day of May, annually, so long as the contract exists; and no contract for the supply of water shall be binding for a longer period than to the succeeding first day of May after such contract is entered into.

Rents for the use of water to be paid in advance.

§ 12. If any person shall bathe, go into the water at either of the reservoirs, dams, streams, or any part of the aqueduct, or shall throw any stones, chips or dirt, or any other material, substance, or thing whatever, into the reservoir, or into the water or gate-houses, or into the ventilators, or aqueduct, or fountain basins, or shall in any manner injure or disfigure any part of the Brooklyn water works, or the engines, machinery, hydrants, stop-cocks, or any of the jets, or fountains, or appendages to said water works, he shall be subject to a fine not exceeding one thousand dollars, to be imposed by any court of competent jurisdiction, either on his own view or on the testimony taken in a summary manner. And in default of payment of any fine so imposed, the court shall commit such offender to the city prison or penitentiary for a period not to exceed one year, unless such fine is sooner paid.

Injuring and disfiguring water works, etc.

§ 13. In case any person shall trespass on any part of the embankment of the reservoirs, or go or remain on the same without permission of the proper persons having charge of the same; or in case any person does not comply with the regulation of the board of city works, as to the time they shall leave the embankment of said reservoirs, or

Trespassing.

CHAPTER I. ARTICLE X.

the grounds or buildings attached to said reservoirs, that then, and in that case, such person shall be subject to a fine of twenty-five dollars, to be levied and collected in the manner aforesaid; and in default of payment, imprisonment as in like manner, not to exceed twenty days, in the city prison.

Opening hydrants without permission subject to fine.

§ 14. No person or persons except the mayor and aldermen of the respective wards shall, without previous permission in writing from the board of city works, unscrew or open any hydrant belonging or attached to the Brooklyn water works, erected for the extinguishment of fires, except in cases of fire in the neighborhood, nor shall leave said hydrant open for a longer time than shall be limited in said permission, nor shall use the water for other purposes than may be mentioned in said permission, under the penalty of not less than five dollars nor more than twenty-five dollars for each offense, in the discretion of the magistrate before whom the complaint shall be made.

Obstructions.

§ 15. Any person or persons who shall obstruct the access to the different hydrants, stop-cocks, man-holes, sewers or drains connected with the water or sewerage pipes, by placing thereon stone, brick, lumber, dirt or any other materials, or who shall permit any such materials to be placed thereon by those in his or their employ, shall be subject to the penalty of fifty dollars for each offense, with an additional sum of twenty-five dollars for each day the same shall be continued, after notice for removal shall have been served, and pay all expenses of removal.

Persons prohibited from se ing water without a licence.

§ 16. No person or persons, except such as may be licensed by the board of city works to sell water to shipping, shall take the water from any hydrant erected or to be erected in the city of Brooklyn, and attached to the Brooklyn water pipes, for the purpose of selling the said water, or offering it for sale, under the penalty of twenty-five dollars for each offense.

The restrictions how understood.

§ 17. It is to be understood by licensed parties that the restrictions in relation to the opening of streets, etc., without permission, is not to prevent them from rendering assistance in case of accident to the service pipes occurring during the night, or at hours when the office is closed—the board only requiring, in such cases, that the permit shall be taken out immediately after the opening of the office thereafter.

Duty of the police department.

§ 18. It shall be the duty of all members of the police department to be vigilant in the enforcement of the pro-

visions of this ordinance, and report any and all violations thereof to the board of city works and corporation counsel immediately. The captains and patrolmen of the several police precincts shall, on observing or being informed of the opening of, or excavating in, any street, avenue or public place, require the person making such opening or excavation to exhibit to him the authority or permission for such opening, and if more had been given by the proper officer, or if the exhibition thereof be refused, said captain or other police officer shall, without delay, make complaint to the corporation counsel and board of city works, and have authority to cause the arrest of the offender, if deemed necessary. All members of the police department shall immediately (by telegraph from the nearest station house or otherwise) report to the board any and all breaks, leaks or accidents to the water (or sewer) pipes, hydrants or appurtenances of any kind belonging to water or sewerage system, and any failure to make such immediate report shall subject such police officer to a penalty of twenty-five dollars for each and every offense.

Water and sewerage—Powers of board of city works.

§ 19. The board may, from time to time, make such rules and regulations in respect to service and conduit pipes, tapping, paving and repairing the street, and other matters affecting the distribution of the water and sewerage of the city of Brooklyn as they may deem proper. All suits and law business of every kind shall be conducted by the corporation counsellor, without extra charge, upon application of the board.

Section 20 on this page (pp. 231) is incomplete. The entire Section is as follows:

§ 20. All monies payable by the corporation for the performance of contracts or for work done on cross-walks or for sewer maintenance, or for repairs of streets, for or expenses contingent thereon, shall be paid by the warrant of the comptroller upon the requisition of the board of city works.

Insertion in mains not to be made above 24 inches without permit.

§ 21. No company or an individual shall make an insertion in any main that is above twenty-four inches in diameter without the express permission of the board of city works under a penalty of one thousand dollars for each and every offense.

Tenement houses.

§ 22. The owners or agents of all tenement houses shall, within ninety days from the passage of this ordinance, or from the completion of water and sewerage pipes, drains, etc., in front thereof (or alongside), cause all proper and necessary water and sewerage fixtures (water closets included) to be permanently placed in each and every story of such house, for the use of all the occupants thereof, and any failures to comply shall subject the offender to a penalty of ten dollars for each day's neglect thereof.

Hydrants.

§ 23. The board of city works shall cause the erection and maintenance of such numbers of iron drinking hydrants as the common council shall make appropriation therefor. Such hydrants shall be of the most approved style and efficiency; and any person injuring or defacing them in any way shall pay a penalty of not less than twenty-five dollars for each and every offense.

Wooden-cased hydrants not permitted.

§ 24. The water board shall not permit, at the expense of the city, the erection of any wooden-cased hydrants for public use.

Water-meters.

§ 25. Permission shall be given by the board for the use of water meters to test the quantity of water used by the consumers, when such consumers shall pay the expenses of the meter and attachments, provided the meter so selected shall be of the most approved kind, of capacity suitable, and shall meet the approval of the board. The water board shall supply the most approved water meters in all buildings where they believe more water is used than is allowed according to the payment for such water according to the scale of general or special rates.

Officers of department to have access to all parts of every building.

§ 26. The officers of the department personally, and every person by them delegated for the purpose, to have free access, at proper hours of the day or night, to all parts of every building, vessel and steam vessel in which Ridgewood water is delivered and consumed.

Duties of persons employed by the department.

§ 27. All persons employed by the department of city works, and drawing pay or compensation, shall devote their whole time and attention during the business or laboring hours of the day, and any person violating this section, by carrying on any other business or employment, or absenting himself from his duties, shall not be further continued in the employ of the department, and his salary shall cease from such time.

ARTICLE XI.

ASSESSORS.

SEC. 1. Assessors to meet weekly.
2. Secretary to keep minutes.
3. Assessors to apportion taxes and assessments.

Assessors to meet weekly.

SECTION 1. The board of assessors shall regularly meet once in each week, except during the summer recess, if any, of the common council, on such day and hour as they shall, by their own by-laws, determine, and as much oftener as may be necessary, for the purpose of hearing parties interested in assessments, as well before as after the same

shall be made, and for the transaction of any other business which may come before them.

Secretary to keep minutes.

§ 2. The secretary of the board shall call the roll of members at that hour, and shall keep minutes of the proceedings of the board in a book provided for that purpose, and enter therein the names of the members attending at each meeting.

Assessors to apportion taxes and assessments.

§ 3. The board of assessors shall apportion any erroneous tax or assessment which shall be sent to them by the collector of taxes and assessments, pursuant to the provisions of this ordinance, and deliver the apportionment and affidavit and statement sent them by the collector to the person or persons mentioned therein, for the purpose of being annexed to their petition to the common council for the correction of such error.

ARTICLE XII.

CITY SURVEYORS.

SEC. 1. City surveyors to reset monuments.
2. To furnish certificates of work done.
3. Compensation of city surveyors for services in street openings.
SUB-DIVISION 1. Rates, how charged.
2. In grading and paving streets.
3. For making assessment lists.
4. For setting and resetting monuments.
5. For making profiles.
6. For locating wells.
7. And public cisterns
8. For grading and filling up lots.
9. In building sewers.

City surveyors to reset monuments.

SECTION 1. Every city surveyor shall reset all monuments which shall be dug down, covered over, or in any way disturbed in grading any street or avenue under his charge.

To furnish certificates of work done.

§ 2. Every city surveyor shall, whenever required by the commissioner of city works, furnish a certificate of the amount in value of work done by any contractor for any local improvement in his charge, and also, at the final completion of the work, and not otherwise, furnish the street commissioner a certificate that the work has been completed according to contract.

Compensation of city surveyors for services in street openings.

§ 3. City surveyors shall be entitled to charge and receive the following fees:

Rates, how charged.

(1.) For making an original map for opening a street or avenue, showing the several pieces of land and premises necessary to be taken for the improvements where the district of assessment does not extend beyond one hundred

feet on each side of said street or avenue, three cents per running foot through the centre of said street or avenue; where the district of assessment extends beyond one hundred feet on each side, three cents per running foot through the centre of each intersecting street or avenue beyond the said one hundred feet shall be allowed; and for making duplicates of copies of the above, one-half the above prices shall be allowed for each of said duplicates or copies.

In grading and paving streets.

(2.) Whenever any street or avenue shall be regulated and graded, it shall be the duty of the surveyor having charge of said work to set the necessary stakes to determine the height and breadth thereof, and for such service he shall be entitled to charge and receive one and one-half cents per running foot; and when a street or avenue shall be graded and paved, the surveyor shall be entitled to two cents per running foot; and for setting the necessary stakes to determine the height and breadth, the line of the curb and gutter, and the intersections on said street or avenue, and for a re-survey after completion in either of the foregoing cases, one and one-half cents per running foot.

For making assessment lists.

(3.) For a map and assessment list showing the several pieces or parcels of land to be assessed, one and one-half cents per running foot, all measured through the centre; and for a copy of an assessment map and assessment list, three-quarters of a cent per running foot.

For setting and resetting monuments.

(4.) For resetting a monument, and recording the same in a book kept for that purpose in the office of the commissioners of city works, five dollars; and for setting a new monument, seven and a half dollars.

For making profiles.

(5.) For making a profile of any street or avenue, and fixing the grade of the same, one cent per running foot, and when it may be necessary to show more than one line of surface, one cent per running foot for each additional line.

For locating wells.

(6.) For fixing the location of a public well and pump, two dollars and fifty cents.

And public cisterns.

(7.) For fixing the location of a public cistern, five dollars.

For grading and filling up lots.

(8.) For the necessary survey and stakes for grading, digging down or filling up vacant lots, and making an assessment map and list for the same, two dollars per lot.

In building sewers.

(9.) Whenever a sewer is to be built, the surveyor's fees shall be as follows: For the necessary specifications and calculations for building a sewer, including the work-plan,

twenty-five dollars; for profile and grade line of sewer, one cent per running foot; for survey and stakes for sewers and culverts, and re-survey after completion, three cents per running foot; for each receiving basin, three dollars; for an original assessment map and assessment list, with the different pieces of property to be assessed, and the dimensions of each piece of property, and the number of superficial feet thereon, one and one-half cents per running foot through the centre of each street on said assessment map; but if the assessment map shall be a copy of any ward map or maps (and whenever there is a ward map or maps, the assessment maps shall be copied from the same), then the price shall be one cent per running foot through the centre of the several streets on said map; which fees shall be in full for all services which may be required to be performed by any surveyor in the construction of any sewer.

ARTICLE XIII.

AN ORDINANCE TO DEFINE AND REGULATE THE DUTIES OF THE CLERKS OF THE POLICE JUSTICE AND JUSTICES OF THE PEACE.

SEC. 1. Duties of clerks.
2. Office hours.
3. Clerk to file papers.
4. To make out process in criminal courts.
5. To keep a police register, etc.
6. To make daily reports.
7. To make out process in civil cases.
8. To make out a calendar daily.
9. To keep registers of civil process, etc.
10. To render an account of fees.
11. To pay same to city treasurer.

SECTION 1. The following shall be the duties of each of the clerks of the police justice and justices of the peace: Duties of clerks.

§ 2. He shall attend daily, except on Sundays and public holidays, for the transaction of business at the office designated by the common council for the justice of whom he is clerk, from 9 A. M. to 12½ P. M., and from 2 P. M. to 5 P. M. Office hours.

§ 3. He shall carefully file and preserve all papers relating to the official business of the justice, in such manner that reference to them may at all times be easily made. Clerk to file papers.

§ 4. He shall make out, under the direction of the justice, all venires, subpœnas or attachments for witnesses, final commitments, recognizances, and records or certificates of conviction and procure the signature of the justice thereto, and shall deliver the same for execution upon To make out process in criminal cases.

CHAPTER I. ARTICLE X III.

payment of the fees properly chargeable therefor, or cause the same to be filed as required by law.

To keep a police register.

§ 5. He shall keep the following books of records of criminal cases:

I. A police register, in which he shall enter under their proper dates—

1st. The names of all persons for whose arrest process is issued, or who are brought before the justice without process.

2d. The names of all persons upon whose complaint process is issued, or who may appear as complainants against persons arrested without process.

3d. The offence charged.

4th. The officer to whom process is delivered, or by whom the arrest was made.

5th. The judgment of the justice, together with the amount of the fine or costs imposed (if any), and the term and place of imprisonment.

6th. The fact whether the fine or cost (if any) are paid, or the defendant is committed, and the name of the officer by whom he is conveyed to the place of imprisonment.

A register of convictions.

II. A register of convictions, in which he shall enter the statements of all persons convicted before the justice in relation to the matters required by law to be reported by sheriffs of counties to the secretary of state.

To make daily reports.

§ 6. He shall make a daily report of all criminal cases finally disposed of before the justice on the preceding day, and of the manner in which they were disposed of, together with the names of the officers by whom the arrests were made, and transmit such report by one of the policemen detailed to attend the court held by said justice, to the chief of police at his office.

To make out process in civil cases.

§ 7. He shall make out all process and transcripts in civil cases, and procure the signature of the justice thereto, but he shall not in any case deliver the same until all the fees properly chargeable therefor are fully paid: no execution or transcript shall be delivered until the whole amount of the costs due the city, taxed in the case in which the execution or transcript was issued, shall have been fully paid.

To make out a calendar daily.

§ 8. He shall, on the morning of every day, before the

hour for holding court, make out and put up in a conspicuous place in the court room, a calendar of all civil causes to be heard before the justice on that day, designating the hour appointed for hearing the same. He shall tax the costs in all cases after judgment or discontinuance, in books to be kept by him for that purpose.

To keep registers of civil process, etc.

§ 9. He shall keep the following books of record of civil cases, besides cost books:

I. A register of original process, in which he shall enter alphabetically arranged, under the names of the plaintiffs—

1st. The date of the issuing of process.

2d. The name of the plaintiff.

3d. The name of the defendant.

4th. The particular kind of process issued.

5th. The day and hour of the return thereof.

6th. The name of the officer to whom the same was delivered for execution.

7th. The amount of plaintiff's demand.

8th. The amount advanced by plaintiff for costs, exclusive of officer's costs.

9th. The date of service as appears by the officer's return.

II. A register of mesne civil process, in which he shall enter according to their proper dates, and alphabetically arranged under the names of the plaintiffs, all process other than original or final, and all subpœnas issued in criminal cases on behalf of the defendants, together with the fees received therefor.

III. A register of judgments and final civil process, in which he shall enter, alphabetically arranged under the names of the plaintiffs, all judgments rendered by the justice, except judgments of discontinuance, without costs, in manner following:

1st. The date of the judgment.

2d. The name of the plaintiff.

3d. The name of the defendant.

4th. The amount of the judgment, specifying the damages and costs.

5th. The issuing of an execution or of a transcript, with the date thereof, and the name of the officer to whom the execution or person to whom the transcript is delivered.

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ARTICLE XIII.

6th. The date of the return of the execution, with a minute of the return.

7th. The issuing, delivering and return of every subsequent execution as above provided.

IV. A book of taxed costs, in which he shall enter according to their proper dates, and alphabetically arranged under the names of the plaintiffs, the titles of all causes in which the costs have been taxed; the amount of which the court costs were taxed therein; the amounts advanced or paid by the plaintiffs during the progress of the action or after judgment, and the balances due the city therein.

V. A cash book, in which he shall enter all moneys received by him for fees and costs in all cases, both civil and criminal, with the dates of their receipt and the titles of the actions in which they were received.

To render an account of fees.

§ 10. He shall render, at the first regular meeting of the common council in every month, an account in detail of all fees received by him in all cases, civil and criminal, and of all balances of taxed costs in civil actions remaining unpaid, which account shall be verified by his oath; and he shall forthwith pay over to the treasurer the amount of fees so received.

To pay same to city treasurer.

§ 11. The treasurer of the city is hereby designated as the officer to whom each of the said justices is to pay over monthly the fines, fees, penalties and moneys collected and received by him, by virtue of his office, as required by law.

ARTICLE XIV.

KEEPER OF THE CITY HALL.

SEC. 1. Keeper solely under the direction of the mayor, etc.
2. To reside in City Hall.
3. To be provided with keys.
4. Assistants to be under his charge and direction.

Keeper solely under direction of the mayor, etc.

SECTION 1. The keeper of the City Hall shall be solely under the direction of the mayor and board of aldermen, and shall have charge of the City Hall, flags, furniture and all other property of the city, in said City Hall; it shall be his duty to cause the same to be kept clean, and in good order, and he shall always be in attendance at meetings of the common council and of committees, and during the regular office and business hours.

To reside in City Hall.

§ 2. He shall reside in apartments within the City Hall appropriated and set apart for that purpose by the common council.

§ 3. He shall be provided with a key for each room and office in the Hall, and shall exercise a general care and supervision over the same, for the preservation of the public property from destruction or waste. And be provided with keys.

§ 4. The assistant keeper of the City Hall, the keeper of the water closets, and all other persons employed in and about the City Hall, in cleaning and taking care of the offices occupied or used as city offices or courts, shall be under the charge and direction of the keeper of the City Hall. Assistants to be under his charge and direction.

ARTICLE XV.

SEALERS OF WEIGHTS AND MEASURES.

SEC. 1. Rates of compensation.

SECTION 1. Sealers of weights and measures, appointed by the common council in and for the city of Brooklyn, shall be entitled to demand and receive the same rate of compensation, for their services, as prescribed and established by law for the compensation of sealers of weights and measures, appointed by the supervisors of the counties of this State. Rates of compensation.

ARTICLE XVI.

TO REGULATE THE RECEPTION OF PROPOSALS AND AWARDING CONTRACTS FOR WORK AND SUPPLIES, AND FOR THE PURCHASE OF CITY BONDS AND THE ISSUE OF BONDS AND CERTIFICATES FOR SUCH LOANS.

SEC. 1. Form of proposals for public work, &c.
2. Penalty for neglect or refusal to enter into contracts.
3. Action when bids are not accepted.
4. Advertisements for proposals, form of.
5. Proposals to be opened and read.
6. Proposals to be recorded.
7. Statement to be furnished city treasurer.
8. Comptroller to prepare bonds, etc.
9. Bonds or stock certificates, how to be signed.

SECTION 1. Whenever proposals for furnishing supplies or doing work for the city of Brooklyn are invited by the board of city works under title XVII, section one, of the city charter, said board is authorized and directed to require as a condition precedent to the reception or consideration of any proposal, the deposit with them of a certified check to the president of the board of city works or of money, (such check or money to accompany the proposal,) to an amount of at least five per cent. of the estimated cost of the supplies or work called for, when the amount of such cost is ten thousand dollars or under, and if the amount of such estimated cost shall exceed ten thousand dollars, for Form of proposal.

all sums over ten thousand dollars an additional deposit of at least three per cent on such excess, which condition shall be published with each advertisement calling for proposals.

Penalty for neglect or refusal to enter into contract.

§ 2. Any person offering a proposal to furnish supplies or to do work for the city whose proposal may be accepted by the board of city works, and who shall neglect or refuse to enter into a contract and furnish satisfactory sureties for the faithful performance of the contract, shall forfeit to the city the amount deposited with the said board of city works, in conformity with section one of this ordinance, which said amount shall be received and retained by said city as liquidated damages for such neglect or refusal to enter into said contract.

Action when bids shall not have been accepted.

§ 3. Any check or money deposited with the board of city works in accordance with this ordinance, shall be returned to the depositor thereof whose bid shall not have been accepted by said board of city works.

Advertisement for proposals, form of.

§ 4. All advertisements published by the comptroller inviting sealed proposals for the purchase of any bonds, certificates, or stocks of the corporation of the city of Brooklyn, shall state the place where, and the day, and how, when and to which such proposals will be received.

Proposals to be opened and read.

§ 5. Upon the expiration of the time so limited for the reception of such proposals, it shall be the duty of the comptroller to publicly and audibly announce that fact, and thereupon, within the view and hearing of all persons present, he shall forthwith proceed to open and read the said proposals so received, and each one of them, but no such proposals shall be received after such announcement has been made, nor shall they be opened before the appointed time, or in any other place than the one so designated and appointed for that purpose. After being recorded, as provided in the next following section, the said proposals shall be carefully filed and preserved in the comptroller's office.

Proposals to be recorded.

§ 6. All proposals or bids hereafter made to and received by the comptroller for the purchase of any description of bonds, certificates or stocks of the corporation of the city of Brooklyn, shall be recorded in a book to be kept for that purpose in the comptroller's office, to be labelled "Proposals for city bonds, etc." Such record shall state the name of each bidder, the amount wanted, and the rate or price offered therefor, and also the awards made and declared by the comptroller, and when not in use, the same shall at all convenient times be open to public inspection.

§ 7. It shall be the duty of the comptroller to furnish to the city treasurer, forthwith, a certified statement of all such awards so made and declared by him, and of the amount to be paid upon each, including premium and accrued interest thereon, if any, and all moneys hereafter paid in settlement of such awards shall be, by the persons to whom the awards are made, paid to the city treasurer, who shall deliver proper receipts for the same. Statement to be furnished city treasurer.

§ 8. Upon the presentation to the comptroller of such receipts of the city treasurer for the amounts of such awards, as stated in the preceding section, it shall be the duty of the comptroller to prepare the proper bonds, or certificates as specified therein, and cause the same to be duly executed by the proper city officials, and thereupon he shall deliver such bonds and certificates to the proper persons, taking their receipts for the same, which shall be retained in his office. Comptroller to prepare bonds.

§ 9. No such bonds or stock certificates for loans to said corporation shall ever be signed or countersigned by the comptroller and mayor, or either of them, unless there is presented to them such receipts of the city treasurer for an equal amount of money, and all such receipts shall be indorsed by said officers and each of them in such a manner as to show that the proper bonds or stock certificates for the amount expressed thereon have been duly executed by them. Bonds or stock certificates, how to be signed.

ARTICLE XVII.

OF DISBURSEMENTS BY THE BOARD OF POLICE.

SEC. 1. Board of police authorized to purchase a contingent fund.
2. Bill to be rendered and paid if approved by the mayor.
3. Contingent fund provided for of $500.

SECTION 1. The board of police of the city of Brooklyn are hereby authorized and empowered on behalf of the city, to make such disbursements as are necessary and essential for the proper discharge of their executive duties, and which from their nature cannot be foreseen or provided for, or which are necessarily required for expenses of their detective force, or in the detection and arrest of criminals; but this ordinance shall not be deemed to authorize the expenditure of any sum beyond that from time to time raised as a contingent fund for said board. Board of police authorized to disburse a contingent fund.

§ 2. The said board shall prepare a bill quarterly, or as much oftener as necessary, which shall be certified by the head of said department and shall state the items, amounts and dates of such expenditures, except so far as the public Bill to be rendered and paid if approved by the mayor.

CHAPTER I. ARTICLE XVII.

interest may be then prejudiced thereby, and upon the same being approved by the mayor, it shall become the duty of the auditor to audit the same, and of the financial officers to pay the amount thereof to the head of said department from the money raised for the said board.

Contingent fund provided for of $500.

§ 3. The financial officers of the city are hereby required to pay to the head of said department, the sum of five hundred ($500) dollars as a permanent fund to be used by said department in making the advances herein before referred to, and which he shall account for and pay to said city at the expiration of his term of office, or of the power hereby granted.

CHAPTER II.

AN ORDINANCE PROVIDING TO LICENSE AND REGULATING CARTMEN, OWNERS AND DRIVERS OF HACKS, CABS, OMNIBUSES, STAGES, TRUCKS, CARRIAGES FOR THE TRANSPORTATION OF PASSENGERS AND ARTICLES OF VARIOUS KINDS, AND OF RAILROAD CARS, BUTCHERS, COMMON CRIERS, HAWKERS, PEDDLERS, PAWNBROKERS, INTELLIGENCE OFFICES, CIRCUSES, JUNK SHOP KEEPERS, SWEEPS AND SCAVENGERS, AND FIXING THE RATES OF COMPENSATION OF CERTAIN OF THEM.

The common council of the city of Brooklyn do ordain as follows:

ARTICLE I.

OF LICENSES.

SEC. 1. Licenses to be granted by mayor.
2. By whom issued and what to contain.
3. Sums to be paid for licenses.

Licenses to be granted by the mayor.

SECTION 1. Licenses shall be granted by the mayor from time to time to such persons as he may deem proper, residents of the city of Brooklyn, of the age of twenty-one years, and of good moral character, and not otherwise, to carry on the business or trade, or to act in the capacity of coachmen, porters, owners and drivers of hacks, trucks, cabs, omnibuses, stages, railroad cars, express wagons, peddlers wagons and junk wagons or carts, and of common criers, hawkers, peddlers, pawnbrokers, keepers of intelligence offices, junk shop keepers, sweeps, butchers and meat sellers. Also to license the exhibition of circuses, and the keepers of billiard tables and bowling alleys for public use.

Licenses, what to contain.

§ 2. The licenses granted as above mentioned shall be issued by the city clerk on notice to him from the mayor, and shall respectively state the purpose for which they are

granted, the number of the license and the name of the person licensed, and in case of omnibuses and stage coaches, and railroad cars, the avenues and streets to which their route shall be limited; and all such licenses shall expire on the first Monday of April, next after the same shall be granted.

Sums to be paid for licenses.

§ 3. There shall be charged and paid to the city clerk, for the use of the city, on issuing the said licenses by the parties to whom they may be granted, the following sums:

For each circus one hundred to three hundred dollars, at the discretion of the mayor.

For each pawnbroker, fifty dollars.

For each keeper of an intelligence office, twenty dollars.

For each railroad car, large or small, twenty dollars.

For each stage or omnibus, ten dollars.

For each hack, cab, express wagon, peddler's wagon, junk wagon, or cart peddler or junk dealer, three dollars.

For each billiard table, three dollars.

For each bowling alley, three dollars.

For each charcoal, fish, fruit or vegetable wagon, truck or cart, two dollars.

For each truck, two dollars.

For each dock or furniture cart, one dollar and fifty cents.

For each butcher or meat dealer, one dollar.

For each driver of a hackney coach, cab or omnibus, other than the persons licensed to keep the same, one dollar.

For each dirt cart, fifty cents.

For each chimney sweep, twenty-five cents.

ARTICLE II.

REGULATIONS OF LICENSED PERSONS.

SEC. 1. Penalties upon licensed persons.
2. For taking greater compensation than fixed by this ordinance.
3. For refusing to give their cards.
4. For refusing to act in their licensed capacity.
5. For obstructing the streets, etc.
6. For permitting any one else to act under their licenses.
7. To have the number of his license on his vehicle, etc.
8. Licenses may be revoked.
9. Cartmen not to use certain wheels.
10. Nor to transport certain articles except in certain boxes.
11. Not to permit any articles to fall in the street.
12. Nor to cart firewood except with a certain quantity to the load.
13. Carting coal.
14. Junkshops regulated.
15. Signs to be put up to all licensed shops.
16. Name and residence to be put on vehicle.
17. Certain kinds of boxes to be used for carts.
18. Badges to be worn by junk dealers and peddlers.

CHAPTER II.
ARTICLE II.
Penalties upon licensed persons

SECTION 1. Any person licensed as authorized by the first article of this ordinance, who shall violate any provision of this ordinance, shall be liable to pay a penalty of ten dollars for each offense.

For taking more than fixed by this ordinance.

§ 2. No person licensed as aforesaid shall ask, demand or be entitled to receive any larger sum for his services, in cases where his compensation is fixed by this ordinance, than is so fixed; and in case of disagreement as to his compensation, whether under the provisions of this ordinance or in cases where the compensation is not hereby, the same shall be determined by the mayor.

For refusing to give their cards.

§ 3. No person licensed as aforesaid shall, in cases where the rate of compensation for the service performed by him shall be fixed by ordinance, refuse or neglect to exhibit to the person employing or dealing with him, when requested to do, a card or book, on which shall be printed or plainly written his name, the capacity in which he shall be licensed, the number of his license, and the rates of compensation fixed for his services by this ordinance; or, if he be licensed as a hack owner or driver, shall neglect to place a similar card, with the name both of owner and driver, in addition, in each hack, so that it shall be obvious to all passengers therein.

For refusing to act in their licensed capacity.

§ 4. No person licensed as aforesaid shall refuse or neglect to act within the city in the capacity for which he shall be licensed, upon being applied to for that purpose, when on his stand or otherwise publicly waiting for employment, and upon being tendered the fare for the same as fixed by ordinance, by any person requiring the service.

For obstructing the streets, etc.

§ 5. No person licensed as aforesaid shall stand waiting for employment with his vehicle in any street, highway or public place, except as now established or accustomed, or as shall be hereafter designated by the mayor, who shall have power to make such designation, and to alter the same from time to time, as well the stands now established or accustomed as those to be designated, nor shall any person so licensed refuse or neglect to conform to such regulations as shall be adopted by the mayor in regard to the order or arrangement of vehicles on such stands, who is hereby authorized to make such regulations from time to time, as he may deem proper.

For permitting any one else to act under their license.

§ 6. No person licensed as aforesaid shall be entitled to transfer his license, or shall permit others to act under the same, or shall violate any restrictions contained in his license; but each license shall authorize the person named

therein, and no other person, to act in the capacity therein designated, except in cases of sickness of the person so licensed, in which case the mayor may in writing permit another person to act for and on behalf of the one sick during such sickness, and revoke such permission at pleasure, and the provisions and penalties of this ordinance shall apply to the persons so permitted in the same manner and extent as far as may be as if he were licensed under this ordinance.

To have the number of his license on his vehicle.

§ 7. Every person licensed as aforesaid shall have the number of his license conspicuously marked on the outside of any cart, wagon, hack, cab, omnibus, or other vehicle which he may be authorized by such license to drive; and every porter and every peddler who shall not be authorized to use a wagon, or who shall not use a wagon in his business, shall wear a badge in a conspicuous place, on which shall be engraved his name and the number of his license.

Licenses may be revoked.

§ 8. Any person licensed as aforesaid who shall violate any regulation or provision of this ordinance shall, upon conviction, have his license revoked.

Cartmen not to use certain wheels.

§ 9. No cartmen shall use a cart or dray with iron-shod wheels unless the iron or tire around the wheel thereof shall be not less than three inches in breadth, and the nails with which the tire shall be nailed or fastened to the wheel shall be sunk into the iron or tire so that the heads to such nails shall not project beyond the surface thereof; nor shall he use any cart or dray not shod with iron in the manner aforesaid, unless the rims of the wheels shall be not less than four inches and a half broad and eight inches deep, when new.

Cartmen not to transport certain articles except in certain boxes.

§ 10. No cartman shall use any sled, cart or dray for transporting any manure, sand, earth, mud or clay, unless the same be provided with a close box, the front and sides of which shall not be less than two feet in height, and the tail-board not less than sixteen inches high, if he be not licensed as a dirt cartman, or the front and sides less than eighteen inches in height, and the tail-board not less than twelve inches in height, if he be licensed as a dirt cartman.

Cartmen not to permit certain articles to fall in the street.

§ 11. No cartman shall use any sled, cart or dray for transporting any article whatever, unless the same be so provided as to prevent such article, or any portion thereof, from dropping or falling upon the street.

Cartmen not to cart firewood except with a certain quantity to the load.

§ 12. No cartman shall cart or carry any firewood unless the stanchions of the cart or sled which he shall employ to cart or carry the same be four feet five inches high from the

floor of the cart or sled, and no higher; nor unless the breadth of such cart or sled between the two foremost stanchions shall be two feet five inches, and between the two hindmost stanchions shall be two feet nine inches, and no more, nor unless he shall carry between the said stanchions thirty-seven feet ten inches and two-thirds of an inch, cubic measure, of wood, closely stowed for a load, which quantity shall constitute and be deemed a load for the carting, selling and buying such wood.

Carting coal.

§ 13. No cartman shall cart or carry any anthracite or hard coal which shall be sold within the city, unless the same shall be first weighed; nor unless two thousand pounds of dry coal shall be allowed to the ton, and a suitable allowance be made in addition when coal shall be wet or damp, which quantity shall constitute and be deemed a ton for the carting, selling and buying such coal; and no person shall sell, and no cartman shall cart or transport any such coal from any coal-yard or other place in the city of Brooklyn, without being first weighed as aforesaid, under the penalty of twenty-five dollars for every load or part of a load so sold, carted or transported.

Junk shops regulated.

§ 14. All persons licensed as junk-shop keepers may keep shops for the purchase, sale or barter of junk, old metals or any second-hand articles, at such place and in such manner, and during such hours only, as the license shall direct. They shall keep a book in which shall be written, at the time of every purchase, a description of the article or articles so purchased, the name and residence of the person from whom, and the day and hour when such purchase was made, which book shall be at all times open to the police. They shall not purchase or receive by way of barter or exchange any article of any minor. Any person violating this section shall be liable to a penalty of twenty-five dollars.

Signs to be put up on all licensed shops.

§ 15. All persons licensed under the provision of this ordinance who shall keep shops, stores or offices for the business of such license, shall have and keep signs attached thereto, publicly on the street side, setting forth their names and business, respectively.

Name and residence to be on vehicle.

§ 16. It shall not be lawful for any person to keep, drive, use or employ any cart, wagon, truck, dray or other vehicle other than such as are licensed, as herein provided, for the transportation or conveyance of any article or thing from place to place in the city of Brooklyn, unless the name and residence or place of business where such owner can be found (of the owner thereof) be fairly and distinctly paint-

ed in plain letters and figures, at least two and a half inches long, in a conspicuous place, on both sides of such cart or vehicle, so as at all times to be easily seen thereon.

Certain kinds of boxes to be used for carts.

§ 17. Every cart or other vehicle used to convey or transport dirt, sand, gravel, mud, ashes, lime, garbage, swill, offal, rubbish, or other loose materials, in any of the streets of the city of Brooklyn, shall be fitted with a good and substantial tight box thereon, the sides of which shall not be less than twenty-four inches, and the tail board eighteen inches high, so that no portion of such dirt, sand, or other loose material, be scattered or thrown into any of said streets; and all carts or other vehicles, when used in carting slaked lime, garbage, offal, swill, rubbish, ashes, or other offensive matter, shall have the box thereof closely covered with a sufficient covering of cloth or boards closely fitted, so as to prevent the escape or flying about of any of the contents or effluvia therefrom; and every person using any cart or other vehicle for any such purpose, without its being so fitted, shall be deemed guilty of a violation of this ordinance.

Badges to be worn by junk dealers and peddlers.

§ 18. Every owner of any junk wagon or peddler's wagon shall while engaged in his avocation, wear in a conspicuous place upon his breast a badge showing the number of his license, and the words "Licensed Junk" shall be engraved upon the badge, and every peddler who does not use a wagon in his business shall wear a badge in a conspicuous place upon his breast with the number of his license and the word "Merchandise" engraved upon it. Such badges shall be in such form as may be approved by the inspector of licenses, and any neglect to comply with the provisions of this section shall subject the party offending to have his license revoked in addition to the fine or penalty by this article provided.

ARTICLE III.

OF PERSONS ACTING WITHOUT LICENSE.

SEC. 1. No person without license to transport goods or passengers for hire.
2. Or to drive express, junk, or peddler's wagons.
3. Or to carry on the business of a butcher.
4. Or to drive any charcoal, fish, fruit, or vegetable wagon.
5. Or to carry on the business of pawnbroker.
6. Or that of a sweep or scavenger.
7. Or to keep an intelligence office.
8. Or to exhibit a circus.
9. Owners of hacks, etc., to keep two horses.
10. Qualifications of licensed public cartmen.

No person without license to transport goods or passengers for hire.

SECTION 1. No person shall drive within the city of Brooklyn, for hire or wages, any cart, sled, truck, dray, wagon, or use of any hand-cart or barrow for the transportation of any merchandize, goods or articles of any kind,

or cause or permit to be drawn, any hackney coach, carriage, cab, truck, omnibus, railroad car or stage for the transportation of passengers without being first licensed by the mayor to do or cause the same to be done, under the penalty for each and every offense, to be paid by the owner and driver severally and respectively, of twenty-five dollars when driven for the transportation of passengers, and ten dollars when driven for the transportation of merchandise, goods or other articles of any kind, except dirt, sand, gravel, clay, or paving stone or building rubbish, and of five dollars for the transportation of dirt, sand, gravel, clay, paving stone or building rubbish.

Or to drive express, junk or peddler's wagons.

§ 2. No person shall drive within the city of Brooklyn any express wagon, junk wagon or cart, or peddler's wagon, or follow the business of a peddler or junk dealer, without being first licensed by the mayor, under the penalty of five dollars for each offense, to be paid by the owner and driver severally and respectively.

Or to carry on the business of a butcher.

§ 3. No person shall exercise or carry on within the city of Brooklyn the trade or business of a butcher, or any branch or part thereof, or of a seller of meats, without being licensed by the mayor, under a penalty of fifty dollars for each day he shall so exercise or carry on any such trade or business, or branch or part thereof.

Or to drive any charcoal, fish, fruit, or vegetable wagon.

§ 4. No person shall drive any charcoal, fish, fruit, or vegetable wagon, truck, or cart, or cry or hawk for sale within the city of Brooklyn, charcoal, fish, fruit, or vegetables without being licensed therefor by the mayor, under the penalty of five dollars for each offense, to be paid by such crier or hawker, and by the owner and driver of any such wagon, truck, or cart, severally and respectively.

Or to carry on the business of a pawnbroker.

§ 5. No person shall carry on the business of a pawnbroker within the city of Brooklyn, without being licensed by the mayor, under the penalty of one hundred dollars for each day he shall carry it on.

Or that of a sweep or scavenger.

§ 6. No person shall carry on the business of a chimney sweeper, or of a scavenger, within the city of Brooklyn, without being licensed by the mayor, under the penalty of five dollars for each offense.

Or to keep an intelligence office.

§ 7. No person shall keep an intelligence office within the city of Brooklyn, without being licensed by the mayor, under the penalty of twenty-five dollars for each day he shall keep such an office.

Or to exhibit a circus.

§ 8. No person or persons shall exhibit any circus per-

formance in the city of Brooklyn, without being licensed so to do by the mayor, under a penalty of five hundred dollars.

Owners of hacks to keep two horses.

§ 9. No person shall be licensed as a keeper of hacks, trucks, cabs, omnibuses or stages unless he shall be the owner of two good horses and of a good hack, truck, cab, omnibus or stage, and a citizen of United States.

Qualification of licensed public cartmen.

§ 10. No public cart (except a dirt cart) shall be driven or used within the city of Brooklyn, except by a duly licensed public cartman, and no person shall be so licensed unless he be the actual and bona fide owner thereof and driver of the same under the penalty of twenty-five dollars for each offense, to be collected from the owner of said cart and horse; provided, however, that the mayor may grant permission to the owner of such horse and cart to depute a person to drive the same in case of said owner's sickness or disability.

ARTICLE IV.

RATES OF COMPENSATION TO CERTAIN LICENSED PERSONS.

SEC. 1. Compensation to cartmen, cabmen, porters and hand-cartmen.

SECTION 1. The rates of compensation to persons licensed as aforesaid, for the services hereinafter mentioned, are hereby fixed as follows:

(1.) To cartmen, for loading, conveying and unloading goods, wares, merchandise and other things, when the distance shall not exceed half a mile, as follows:

Ale or beer, every hogshead, from sixty to ninety gallons	$ .37½
Alum or copperas, every hogshead, from twelve to fifteen hundred weight	.44
Alum or copperas, every hogshead, over one ton weight	.68
Bread, every four tierces	.37½
Bricks, every load	.37½
Bricks, every load handled and piled	.60
Boards, planks and scantling, or other timber, every load	.37½
Beef or pork, every five barrels	.44
Cables, half shot, from five to seven inches in circumference	.44
Cables, whole shot, from five to seven inches in circumference	.75

Cables, half shot, from seven to ten inches in circumference	.87½
Cables, whole shot, from seven to ten inches in circumference	1.75
Cables, whole shot, of ten and not exceeding twelve inches in circumference	2.00
Cables, whole shot, of twelve and not exceeding fourteen inches in circumference	3.00
Cables, half shot, of the last two preceding dimensions	1.50
Cables, half shot, of fourteen and not exceeding fifteen inches in circumference	1.75
Cables, whole shot, of fourteen and not exceeding fifteen inches in circumference	4.00
Cables, whole shot, of above fifteen inches in circumference	5.00
Calves, sheep, lambs, every load	.50
Cider, cheese, cocoa, every load	.37½
Clay or sand, every twelve bushels	.50
Coal, every half chaldron or ton	.68
Coffee, in bags or barrels, every load	.37½
Coffee, every hogshead over one thousand weight	.44
Cordage, small, every load	.37½
Cotton, every three bales	.44
Dry wood, every load	.37½
Earthenware, loose, every load	.56
European goods, every load	.50
Firewood, every load	.37½
Fish, dried, loose, every load	.66
Flaxseed, every three tierces	.37½
Flour, every twelve bags or seven barrels	.37½
Furniture, household, housing every load	1.50
Gammons or hams, every load	.37½
Hay, in bales, bundles or trusses, every load	.37½
Hay, loose, every load	1.00
Heading or staves, every load	.37½
Hemp, in bales or bundles, every load	.44
Hemp, loose, every twelve hundred weight	.75
Hides, every fifty	.44
Hoops, in bundles, every load	.37½
Hoop poles, every load	.66
Iron hollow ware, every load	.44
Iron bar, every load	.44
Molasses, every hogshead, from sixty to ninety gallons	.44
Molasses, every hogshead, from ninety to one hundred and forty gallons	.62½
Oil, every three barrels	.37½
Oysters, oyster shells or pantiles, every load	.44

Paints or whiting, every hogshead, from twelve to fifteen hundred weight	.44
Paints or whiting, over one ton weight	.75
Paints, whiting or pimento, every load	.37½
Plaster Paris, every ton	.37½
Potash, every three barrels	.37½
Rum, every hogshead	.50
Salt, every twenty bushels	.44
Shingles, in bundles, long cedar or pine, every load	.37½
Shingles, cypress, twenty-two inches, every two thousand	.50
Stone, paving or building, every load	.37½
Stone cut, every load	.48
Sugar, Havana, over three boxes	.44
Sugar, every hogshead, from nine to fifteen hundred weight	.44
Sugar, every hogshead, over one ton weight	.75
Tar, pitch or turpentine, every five barrels	.37½
Tea, every load	.44
Tiles or slate, every load	.56
Tobacco, every common hogshead	.44
Tobacco, every hogshead over one ton weight	.75
Wheat or grain, every load	.50
Wine, gin or brandy, every pipe over one hundred gallons	.62½
Wine, every four quarter casks	.50
For every load of goods, wares, merchandise or other things not above enumerated	.44

And for every additional half mile after the first half mile, one-third more for the articles above enumerated than the above rates, respectively.

(2.) To owners or drivers of hackney coaches and cabmen for conveying passengers, as follows:

For conveying a passenger any distance not exceeding one mile, twenty-five cents; for every additional passenger twenty-five cents.

For conveying a passenger any distance exceeding a mile, and within two miles, fifty cents; and for every additional passenger twenty-five cents.

For the use of a hackney coach or carriage by the day, with one or more passengers, five dollars.

For the use of a hackney coach or carriage by the hour, with one or more passengers, with the privilege of going from place to place, and of stopping as often as may be required, as follows, viz: for the first hour, one dollar; for the second hour, seventy-five cents; and for every succeeding hour, fifty cents.

In all cases where the hiring of a hackney coach or car-

riage is not at the time specified to be by the day or hour, it shall be deemed to be by the mile.

For children between two and fourteen years of age, half price only shall be charged, and for children under two years of age no charge shall be made.

Whenever a hackney coach, carriage or cab shall be detained, except as aforesaid, the owner or driver shall be allowed after the rate of seventy-five cents for each and every subsequent hour, and so in proportion for any part of the first and subsequent hour which the same may be detained.

Every driver or owner of a hackney coach or carriage shall load and transport in and upon his coach or carriage, in addition to the person or persons therein, and unload, one trunk, valise, saddle-bag, carpet bag, portmanteau, box, bundle, basket, or other articles used in traveling, if he be requested so to do, without charge or compensation thereof, but for every trunk or other such article, as above named, more than one, he shall be entitled to demand and receive the sum of six cents, if conveyed within the distance of one mile, and of more than one mile, the sum of twelve and a half cents.

(3.) To porters and hand-carters, as follows:

In carrying a load upon a wheelbarrow any distance not exceeding half a mile, twenty-five cents; and in that proportion for any greater distance.

In carrying a load in a hand-barrow any distance not exceeding half a mile, twenty-five cents; over half a mile and not exceeding a mile, forty-four cents; and in that proportion for any greater distance.

For conveying a load in a hand-cart any distance not exceeding half a mile, eighteen cents, over half a mile and not exceeding a mile, thirty-one cents, and in that proportion for any greater distance.

ARTICLE V.

TO REGULATE THE RUNNING OF CARS, &c., ON CITY RAILROADS.

SEC. 1. License fees how calculated.
2. Mayor to have power to cause to be discharged conductors and drivers.
3. Persons not to smoke in or upon the cars.
4. Conductors or drivers not to eat in cars.
5. Cars with broken windows and out of repair not to be used.
6. Cars to be numbered, lettered and provided with signal lights.
7. No improper person to ride on the cars.
8. Cars to have the right of track.
9. Conductors and drivers to give their names.
10. Companies to furnish names of conductors and drivers.
11. Companies to clear snow from track.
12. Regulation as to hours of running on Brooklyn city railroad.
13. Cars to stop at street intersections.

SEC. 14. Rate of speed.
15. Penalties for violation of ordinance.
16. Police to report violations of ordinance.

CHAPTER II.

ARTICLE V.

License fees, how calculated.

SECTION 1. The amount to be paid by the city railroad companies to the city for running their cars, shall be calculated on the average number of cars running annually on each route respectively, excluding the extra cars run on holidays.

Mayor to have power to cause to be discharged car drivers and conductors.

§ 2. The mayor shall have the power, upon any complaint made to him, to require any car conductor or driver to appear before him, upon a notice of at least twenty-four hours, and if, upon investigation and examination of witnesses, he shall adjudge that said conductor or driver has been guilty of insolence, extortion or reckless or other improper conduct, he shall notify such determination to the president of the company in whose employment he may be, and thereafter such conductor or driver shall not act as such without the permission of the mayor.

Persons not to smoke in or upon the cars.

§ 3. It shall not be lawful for any person or persons to smoke inside or upon the platforms of any car or other public conveyances in the city of Brooklyn.

Conductors or drivers not to eat in cars.

§ 4. Conductors, drivers or other employees upon said car are prohibited from eating their meals in or upon said cars, or other public conveyances, while making a trip.

Cars with broken windows and out of repair not to be used.

§ 5. No car shall be used by any of the railroad companies upon their respective routes which may have a broken window or door, or insufficient fastening, or otherwise damaged, longer than during the day such break, insufficient fastening or damage may occur.

Cars to be numbered, lettered and provided with signal lights.

§ 6. All railroad cars shall be distinctly numbered, both inside and outside, and the cars of different routes running in part on the same track shall be distinguished by a difference of color, and the appropriate lettering to indicate the streets or routes, upon which the same run; and in the night shall, in all cases, be sufficiently distinguished by the form or color of their signal lights, so as to prevent the cars of different routes being mistaken for each other.

No improper person to ride on the cars.

§ 7. No person who shall be indecent or scandalous in behavior, or filthy or foul in person, shall be carried in the cars; nor shall any conductor allow such person to remain in the cars.

Cars to have the right of track.

§ 8. The cars shall have the right to the tracks as against any person, carriage, vehicle, or incumbrance put, driven or being thereon with a view to delay or embarrass the

CHAPTER II. ARTICLE V.

progress of the cars; and no person shall obstruct the said tracks, or obstruct or prevent the cars from running or progressing thereon, or remain or keep any vehicle on said tracks in the way of any car, if there shall be an opportunity to turn off.

Conductors and drivers to give their names.

§ 9. It shall be the duty of the conductors and drivers to give their names to any passenger who shall request the same.

Companies to furnish names of conductors and drivers.

§ 10. The said railroad companies shall, whenever required to do so by the mayor, furnish a list of all the conductors and drivers, and of any one of them conducting or driving any car at the same time.

Companies to clear snow from tracks.

§ 11. In order to facilitate travel, the railroad companies are authorized and required to clear their tracks of snow during the falling thereof, or immediately thereafter, to the distance of two feet outside thereof. The said companies shall not place or pile any such snow or ice on the sidewalk or in the gutters to the distance of one foot from the curbstone, nor such snow or ice in the space between the said tracks and gutters where the owner or occupant of any premises shall have removed the same from the said space in front of such premises, nor place or pile any such snow or ice at the intersection of any street or avenue so as to prevent the passage of carriages, sleighs or foot travelers from or to any street or avenue crossing such track.

Regulation as to hours of running on Brooklyn city R.R.

§ 12. The Brooklyn City Railroad shall be subject to the following regulations: (1) There shall be at all times when practicable between the hours of 6½ A. M. and 12½ at night, from the fifteenth of November to the first of May, and the hours of 5¾ A. M. and 12½ P. M., in the other months, cars running on the respective routes of the said company from the ferries to their respective depots as the public travel shall require; and beyond the respective depots of the said routes, and on Hamilton Avenue, the said company shall run cars at such times as shall be required by the mayor.

Cars to stop at street intersections.

§ 13. Cars stopping at a street intersection shall stop at the further walk thereof, so that the cars shall not, when stopped, interfere with the travel on the cross streets.

Rate of speed.

§ 14. Cars shall not be driven at a greater rate than five miles per hour.

Penalties for violation of ordinance.

§ 15. The said companies shall be liable to a penalty of fifty dollars for any violation on their part of any provision of this article; and any conductor, driver or other person

violating any provision of this article shall be liable to a penalty of ten dollars; and it shall be the duty of the police to enforce the provisions of this article.

Police to report violation of ordinance.

§ 16. It shall be the duty of the police to daily report all violations of laws, ordinances and regulations appertaining to railroads, or other public conveyances, to the attorney of the corporation.

ARTICLE VI.

TO REGULATE AND DEFINE THE DUTIES OF PAWNBROKERS.

Sec. 1. Mayor to license.
2. License fee.
3. Bond to be given.
4. Books to be kept.
5. Memorandum to be given.
6. Books to be open for inspection.
7. Penalty for violation of provisions.
8. Rate of interest.
9. Sale of pledges.
10. Notice to be given of sale.
11. Surplus, how to be disposed of.
12. Loans not to be divided.
13. Pawnbrokers not to purchase.
14. Penalty.

Mayor to license.

SECTION 1. The mayor may, from time to time, grant licenses under his hand and seal to such persons as shall produce to him satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker.

License fee.

§ 2. Every person receiving such license shall pay therefor the sum of fifty dollars, for the use of the city.

Bond to be given.

§ 3. Every person so licensed shall, at the time of receiving such license, enter, with two sufficient sureties, into a joint and several recognizance to the mayor, aldermen, and commonalty of the city of Brooklyn, in the penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the common council as may be passed or in force respecting pawnbrokers, at any time during the continuance of such license.

Books to be kept.

§ 4. Every pawnbroker shall keep a book, in which shall be fairly written, at the time of each loan, an accurate account and description of the goods, article, or thing pawned, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing.

Memorandum to be given.

§ 5. Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, arti-

cle, or thing, a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or note.

Books to be open for inspection.

§ 6. The said book shall, at all reasonable times, be opened to the inspection of the mayor, councilmen, and special justices for preserving the peace of the city of Brooklyn, or any or either of them, or of any person who shall be duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawnbroker.

Penalty for violation of provisions.

§ 7. Every pawnbroker who shall violate, or neglect, or refuse to comply with any or either of the provisions of the 4th, 5th, or 6th sections of this chapter shall, for every such offense, forfeit and pay the sum of twenty-five dollars.

Rate of interest.

§ 8. No pawnbroker shall ask, demand, or receive any greater rate of interest than twenty-five per cent. per annum upon any loan not exceeding the sum of twenty-five dollars, or than seven per cent. per annum upon any loan exceeding the sum of twenty-five dollars, under the penalty of one hundred dollars for every such offense.

Sale of pledges.

§ 9. No pawnbroker shall sell any pawn or pledge until the same shall have remained one year in his or her possession, and all such sales shall be at public auction, and not otherwise, and shall be made or conducted by such auctioneer as shall be approved of for that purpose by the mayor of the city of Brooklyn.

Notice to be given of sale.

§ 10. Notice of every such sale shall be published for at least twelve days previous thereto in one or more of the daily newspapers printed in the city of Brooklyn, and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the goods or articles to be sold.

Surplus, how to be disposed of.

§ 11. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Loans not to be divided.

§ 12. No pawnbroker shall make any loan on the separate or divided part or parts of any article or thing, and

which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Pawnbrokers not to purchase.

§ 13. No pawnbroker shall, under any pretense whatever, purchase or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever, offered to him or her as a pawn or pledge.

Penalty.

§ 14. Every pawnbroker who shall violate, or neglect, or refuse to comply with any or either of the provisions of the eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of this chapter, shall for every offense forfeit and pay the sum of one hundred dollars.

CHAPTER III.

AN ORDINANCE IN RELATION TO CERTAIN EVIL PRACTICES, AND THE PROTECTION OF PERSONS AND PROPERTY FROM FIRE, GUNPOWDER, ANIMALS, OBSTRUCTIONS IN THE STREETS, AND OTHER CAUSES, AND THE GRANTING OF PERMITS FOR THE OCCUPATION OF STREETS, AVENUES, ETC.

The common council of the city of Brooklyn do ordain as follows:

ARTICLE I.

GENERAL PROVISIONS.

SEC. 1. Penalties for violating ordinances.

Penalties for violating this ordinance.

SECTION 1. The provisions of this ordinance shall apply to the city of Brooklyn, and every part thereof, except in cases where otherwise expressed, and the penalty for violating any of them shall be ten dollars for each offense, except in cases where a different penalty is by this ordinance imposed for any violation thereof, and every person violating any such provision shall be liable for such penalty for each offense respectively.

ARTICLE II.

PRACTICES AGAINST PUBLIC MORALS.

SEC. 1. Public bathing.
2. Common shows.
3. Gambling houses and fighting exhibitions.
4. Gambling.
5. Bowls and billiards.

Public bathing.

SECTION 1. No person shall swim or bathe in the waters of or abounding the city, by day, or in such waters within

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two hundred feet of any ferry or other public landing place or bridge, at any time, without being clothed so as to prevent any indecent exposure of the body.

Common shows.

§ 2. No person shall exhibit, or cause or permit to be exhibited, any show of living animals, rope dancing, puppet show, or other common show, without a permit from the mayor and alderman of the ward in which the same shall be exhibited, under the penalty of twenty-five dollars.

Gambling houses and fighting exhibitions.

§ 3. No person or persons shall set up, keep or maintain, or permit to be set up, kept or maintained, in any house or premises occupied by him, any faro table, faro bank, roulette, or other device or game of chance, hazard, or address for the purpose of gaming, or any boxing ring, cock-pit, or other place for the exhibition of animals in fight, under the penalty of one hundred dollars for each offense; and it shall be the duty of the police, and they are hereby authorized, to enter upon any premises where any instruments or devices employed in gaming shall be used contrary to this ordinance, and to carry away and destroy the same. But this section shall not, nor shall the following section, be construed to apply to bowls and billiards.

Gambling.

§ 4. No person shall deal, play, or engage in faro, roulette, or other device or game of chance, hazard or address, either as banker, player, dealer, or otherwise, for the purpose of gaming.

Bowls and billiards.

§ 5. No person shall erect, set up, keep or maintain, or permit to be set up, kept, or maintained, in any house or premises occupied by him, any bowling alley, ball alley, or billiard table, for public use, unless he shall first obtain a license from the mayor therefor; and the mayor is hereby authorized to grant such licenses from time to time, with such limitations, restrictions and conditions as he may deem proper, to expire on the first day of May thereafter, and to revoke the same at pleasure; and there shall be paid for every such license the sum of three dollars for each and every alley or table.

ARTICLE III.

OF IMPOUNDING ANIMALS RUNNING AT LARGE.

SEC. 1. Animals running at large to be impounded.
2. Poundmaster to keep the same—fees and expenses to be paid.
3. Animals impounded, when to be sold.
4. Moneys received to be paid over to city treasurer.
5. Poundmaster to keep books.
6. Compensation of poundmaster.
7. Owners of property may impound animals.
8. Poundmasters to report.

Animals running at large.

SECTION 1. All cattle, horses, sheep, swine or goats running at large in any street, road, lane, alley or public square or park, may be driven by any person to the public pound in the ward where they are so found; and in case there shall be no pound in such ward, then to the nearest public pound.

Poundmaster to keep the same.

§ 2. The poundmaster of such pound shall thereupon receive and securely keep such animals, and provide suitable feed therefor; but at any time before the same are sold, as hereinafter provided, upon proper demand, he shall deliver such animals, or either of them, to the owner or other person entitled to the possession thereof, upon receiving from such person one-half of the penalty hereinbefore provided; that is to say, upon receiving the sum of two dollars and fifty cents for each animal so delivered, besides the actual cost and expense of feeding the same as herein provided; but no such poundmaster shall be entitled to charge for feeding such animals, other than horses and cattle, any greater sum than twenty five cents for each animal for every twenty-four hours, or fractional part of twenty-four hours, during which the same may be in such pound; but the charge for feeding horses and cattle is hereby limited to fifty cents each for each twenty-four hours or part of twenty-four hours.

Fees and expenses to be paid.

Animals impounded when to be sold.

§ 3. It shall be the duty of the poundmaster of each public pound, and he is hereby authorized and required, every Saturday, at three o'clock in the afternoon, to sell separately, for cash, at public auction to the highest bidder, all animals there impounded, and which have been so impounded since noon of the previous Wednesday; and he shall at all times have affixed upon a bulletin board on the gate of such pound, a notice stating that animals there impounded are sold on each Saturday at three o'clock in the afternoon; and he shall at all times keep upon such bulletin board a full list and description of all animals there so impounded stating that they will be sold at the succeeding sale, except that the list of animals impounded after noon on each Wednesday shall not be placed upon such board until three o'clock in the afternoon of the succeeding Saturday; but all animals withdrawn, as provided for in the second section of this article, shall be immediately stricken from such list.

Money received to be paid over to city treasurer.

§ 4. From the moneys collected by each poundmaster on the sale or redemption of any animal, and immediately after the receipt of the money, such poundmaster shall pay to the person impounding such animal the sum of one dollar for each animal so impounded, except goats, and the poundmaster shall pay to any person or persons delivering a goat or

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goats to any public pound the sum of two dollars for every such animal so delivered; and the balance of all such moneys so collected, after deducting the actual costs and expenses of feed and his fees as hereinafter provided, he shall pay at the end of each and every month to the treasurer of the city; but the owner of each animal shall be entitled to receive from the city all sums realized from the sale thereof over and above the amount of the penalty fixed by the first section of this article, and the cost and expense of feed hereinbefore provided; and the same shall be paid to him upon the approval of the common council from the contingent fund of the city.

Poundmaster to keep books.

§ 5. Each poundmaster shall record, in a book to be kept by him, the name or names of every person or persons so driving such animals to the pound, with their residences, and also the names and residences of the persons claiming, redeeming or purchasing the same, with the date when such animal was claimed, redeemed, sold, or otherwise disposed of, and the amount received on such redemption of sale. Such books shall at all times be open to the inspection of any claimant, or other person desiring to examine the same; and for every neglect or willful violation of this ordinance, in any of its requirements, by any poundmaster, the person so violating the same shall be subject to a fine of ten dollars and a removal from office.

Compensation of poundmaster.

§ 6. Each poundmaster, from the money received by him on each animal, shall be entitled to deduct the sum of one dollar, and the same shall be in lieu of all salary or other reward for all services as poundmaster.

Owners of property may impound animals.

§ 7. All animals hereinbefore described, found at large upon any land in said city, other than streets, avenues, public squares or parks, may be impounded by the owner of such lands or other persons entitled to the possession thereof; and thereafter all penalties and proceedings in reference to such animals shall be as hereinbefore provided.

Poundmaster to report.

§ 8. Each poundmaster shall, within twenty-four hours after the impounding of any horse or cow, report the same, with description, to the nearest station house.

ARTICLE IV.

PROTECTION FROM FIRE.

Sec. 1. Lights in stables.
2. Discharging firearms and fireworks.
3. Keeping fireworks.
4. Bonfires and burning of rubbish in the streets.
5. Chimney fires.

SEC. 6. Ashes.
7. Keeping hay, straw, etc.
8. Precautions against fire in places of public amusement.

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ARTICLE IV.

Lights in stables.

SECTION 1. No person shall take or use in any barn or stable within the fire district, any lighted candle, oil or fluid lamp, or any burning light of any kind whatsoever, unless the same be inclosed and secured in a good glass, horn, or other lantern.

Discharging firearms and fireworks.

§ 2. No person shall fire or discharge any cannon, gun, pistol, fowling piece, or firearm of any description, or store or sell or offer to sell, explode, or set off any fire-cracker, rocket, squib, or combustible fireworks of any description, within the city limits; provided that nothing in this section contained shall be construed to extend to any fireworks exhibited by order of the common council, or by any exhibitor who shall be authorized by a permit from the mayor to exhibit the same for public amusement, under a penalty of twenty-five dollars for each and every offense.

Keeping fireworks.

§ 3. No person shall have or keep at any one time for any purpose in any building within the city of Brooklyn, distant less than twenty-five feet from any other building, more than fifty pounds of fireworks, and no quantity greater than fifty pounds shall be sold or stored in any other building without a written permit from the mayor, under a penalty of one hundred dollars and imprisonment in the county jail for ten days for each and every offense.

Bonfires, and burning rubbish in the streets.

§ 4. No person shall build or cause to be built any bonfire or other fire in any street, road, lane or public ground within the city, without a permit in writing having been first obtained from the captain of police of the precinct in which such fire is made, who may, in such cases only as he may deem proper for the destruction of straw or other rubbish where the same can be done without damage to property or annoyance to the public, give permits in writing for the same to be done after sundown and at least twenty-five feet from any building, under a penalty of five dollars for each violation of this provision.

Chimney fires.

§ 5. No person shall permit any chimney, stovepipe or flue on any building occupied or possessed by him within the fire district, to take fire.

Ashes.

§ 6. No person shall, within the fire district, deposit ashes on the wooden floor of any building, or in any barrel, or box, or other wooden vessel standing on any such floor, or place any such barrel, box, or other vessel, containing ashes, upon any such floor.

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ARTICLE IV.
Keeping hay, straw, &c.

§ 7. No person shall within the fire district have, put or keep any hay or straw uncovered in any stack or pile, or in any other way exposed, within one hundred yards of any building; or have, put or keep any hay, straw, hemp, flax, shavings or rushes in any building not of stone or brick, and covered with tile, slate, tin, or other fire-proof material within ten feet of any dwelling house or chimney, under the penalty of twenty-five dollars, and the further penalty of five dollars for every twenty-four hours the same shall so remain, after notice from any fire warden to remove the same.

Precautions against fire in places of public amusement.

§ 8. It shall be the duty of every person having the direction, management, care or control of any place of amusement in the city of Brooklyn, to procure two or more competent men to be in constant attendance at every exhibition or performance at such place, at which moveable scenery or drapery of whatever description shall be used, and to be, then and there well and sufficiently supplied with suitable hose-pipe, properly connected with an ample supply of water, under sufficient pressure, so as to afford adequate means for the prompt extinguishment of any fire which may occur in such place of amusement at any time during such exhibition or performance, and it shall be the further duty of every such person hereinbefore first mentioned, to cause the said men to be exclusively occupied with adequate appliances in protecting such place of amusement against fire. The supply pipes used to furnish said supply of water shall be of the same force as the fire hydrants, and shall be connected with the street main, and be done under the supervision of the water purveyor. Every person who shall offend against this section or any provision thereof, shall be subject to a penalty of two hundred and fifty (250) dollars, for each and every offense.

ARTICLE V.

KEEPING AND CONVEYING GUNPOWDER.

SEC. 1. Keeping gunpowder in buildings.
2. Carrying the same in the streets.
3. Gunpowder on board of vessels.
4. Damages from explosions.
5. Seizure in certain cases.
6. Navy yard excepted.

Keeping gunpowder in buildings.

SECTION 1. No person shall have, keep or cause to be kept, or allow to keep, inanystore, storehouse, manufactory or other building, any quantity of gunpowder exceeding twenty-five pounds weight, or shall keep any gunpowder whatever in any building, except in tin canisters, at all times kept securely closed, under pain of forfeiture of

the gunpowder, and a penalty of fifty dollars for each offense.

Carrying gunpowder in the streets.

§ 2. No person shall carry, or cause to be carried, any gunpowder through any street, lane or alley, in any cart, wagon or other mode of conveyance, unless the same be secured in tight casks, kegs or cases, well headed and hooped, and said casks, kegs or cases be put into and entirely covered with a bag or case sufficient to prevent any of said gunpowder from being spilled or scattered, under pain of forfeiture of the gunpowder and a penalty of fifty dollars for every offense.

Gunpowder on board vessels.

§ 3. No ship, barque, brig, lighter or other vessel, containing any quantity of gunpowder over and above twenty four pounds, shall make fast to any pier, wharf or bulkhead, or anchor within the jurisdiction of this city, under pain of forfeiture of all gunpowder found on board, and a penalty of fifty dollars to be recovered from the owner or captain of the vessel.

Damages from explosion of gunpowder.

§ 4. In case of an explosion, caused by a larger quantity of gunpowder than twenty-four pounds, kept in any building, or vessel whatever, contrary to the above sections of this article, the occupant or occupants of any such building, and the captain, owner or owners, respectively, of any such vessel as aforesaid, shall forfeit and pay a penalty of one thousand dollars.

Seizure of gunpowder in certain cases.

§ 5. All gunpowder which shall be found in any store, storehouse, manufactory or other building, or which may be found in any cart, wagon, or other vehicle, as aforesaid, or on board any brig, barque, ship, or other vessel which shall make fast to any pier, wharf or bulkhead in the city of Brooklyn, or anchor within the jurisdiction of this city in violation of the provisions of this ordinance, shall be immediately seized and removed to some secure place, and it is hereby made the duty of the police and all constables to assist in said seizure when called upon.

Navy yard exempted.

§ 6. Nothing in this ordinance contained shall in any way apply to any gunpowder, which may be on board of any vessel inclosed within, or under jurisdiction of the officers of the said United States navy yard.

ARTICLE VI.

OBSTRUCTIONS IN THE STREETS.

SEC. 1. Obstructions in the streets.
2. Projections from buildings.

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SEC.
3. Posts and awnings.
4. Vaults and cisterns.
5. Ashes and rubbish.
6. Ash or garbage vessels, not to be upset.
7. Earth, stone, etc., from cellars.
8. Tearing up streets, parties to replace the same.
9. Snow and ice.
10. On railroad tracks.
11. Vehicles on streets.
12. Horses and vehicles on sidewalks.
13. Removal of buildings through the streets.
14. Obstructions to be removed from the streets.
15. No street or number of house to be used except as designated by common council.
16. Snow, ice, etc., not to be scattered on sidewalks.
17. No person to place any dirt, sand, etc., in street gutters.
18. No refuse matter to be thrown into streets.

Obstructions in streets.

SECTION 1. No person shall obstruct or incumber any public wharf, street, or other public place, with any article or thing whatseever; and any obstruction or incumbrance on such wharf, street or public place, shall be removed therefrom by the police, under such directions as shall be given by the board of city works or mayor, or by such other person as the board of city works or mayor shall direct or employ. But this section shall not be construed to prevent or to authorize the removal of any obstruction or incumbrance in this ordinance or other ordinances, or by any resolution of the common council permitted or necessary in the regulating, paving or repaving any street, or for doing any public work, provided the regulations and conditions of such ordinances, resolutions and contracts, giving such permission, or prescribing the mode of regulating, paving, or repaving of such street, or of doing such public work, be fully observed, nor shall this section be construed to prevent the moving or removing any article in the way of trade or business, or for the use of any family from or to any house, or for the erecting or repairing any house, or other work, on the adjoining land, provided the same be so moved or removed without any unnecessary delay, and so as to leave a passage both on the sidewalk for foot travelers, and on the carriage way for vehicles to pass and repass; or be constructed to prevent the loading or unloading passengers from any public or private conveyance, or of vehicles waiting a reasonable time for such purpose.

Projections from buildings.

§ 2. No person shall construct any bow-window or other window, which shall extend into any street more than one foot from the wall of any house or other building, or shall construct any cellar door which shall extend into the street more than one-twelfth of the width of such street, or more than five feet; or shall construct any porch which shall project in any street over a cellar door, or shall construct any platform, stoop, or step, which shall extend into any street more than one-tenth part of the width of such street, or more than seven feet, or with any other than open backs,

sides, or railings, or of a greater width than is necessary for the purpose of a convenient passage way into the house or building in which it shall be attached, or any stoop or steps which shall exceed five feet in height; or shall dig, build, or construct any area into the street, in front of any building, which shall extend more than one-fifteenth part of the width of any street, or more than five feet, or which shall not be provided with a sufficient railing on the top thereof, to protect travelers from falling therein, placed not more than six inches from the inside of the coping on the wall of such area, and with no gates opening outward, under the penalty of two hundred and fifty dollars for each and every offense.

Posts and awnings.

§ 3. No person shall erect or put up in any street, any post, awning-post or railing, or any cloth or canvas for an awning, except tie-posts and awning-posts, which may be erected or inserted, provided the same be painted and modeled as may be directed, from time to time, by the mayor, and be placed only next to and inside of the curb-stone; and provided such awning-posts shall be at least seven feet high above the sidewalk, and except cloth or canvas awnings for posts put up as herein provided, and except cloth and canvas awnings projected from any building where the same shall not project into the street beyond the distance in this article allowed for the projection of platforms or steps into such street; or shall permit such cloth or canvas awning to hang loosely down over the sidewalk; or shall hang or place in any street any goods, wares or merchandise, or any article whatever, at any greater distance than twelve inches in front of the house or store occupied by him, or shall raise or hoist, or permit or suffer to be raised or hoisted, from any street into any building, loft, store or room, or lower, or permit or suffer to be lowered, from any building, loft, store or room, into any street, any cask, bale, bundle, box, crate, or any goods, wares, merchandise, boards, planks, joists, timber or article whatever, by means of any rope, pulley, tackle or windlass; or shall plant any tree in any street except next to and inside of the curb or curb line of such street, under the penalty of twenty-five dollars for each offense.

Vaults and cisterns.

§ 4. No person shall cause or procure any vault or cistern to be constructed or made in any street or avenue without a permit from the department of city works, and paying the sum of ten (10) cents per superficial foot for the use of the city, or shall cause the same to be extended further than one-fourth of the width of the street beyond the line of the street adjoining his property, or to be built otherwise than of brick or stone, and arched on top and

well secured, nor unless a lighted lamp or lantern be placed and kept during the night time at a suitable spot sufficient to warn passers by of the opening while in process of construction, nor shall cause any aperture or opening from the street to such vault to be made, unless the same be made within two feet of the curb of the sidewalk, or within two feet of the coping of the area or railing in front of the house to which such vault shall belong, nor unless such aperture or opening be provided with a strong close cover, so constructed and kept as to be at all times rough on the upper or outside surface, under the penalty of fifty dollars for each offense.

Ashes and rubbish.

§ 5. No person shall throw, lay, place or cast any dirt, ashes, filth, dross, cinders or rubbish of any kind, or any shells of oysters, clams or other fish, or any offals, vegetables or garbage, or any filthy waters or liquid, on any street, avenue, alley or public square, except, however, that ashes and garbage may be placed on the outer edge of the sidewalk, in tight vessels, so as not to run or drop upon such street, avenue, lane or public square, and in vessels of such dimensions as may be conveniently delivered to and handled by the ash and garbage cartmen, provided the same be so placed in such vessels, and permitted to remain therein on such sidewalk, only on the days and during the removal of ashes and garbage by the contractor for cleaning any such street or avenue; and provided such vessels be removed from such sidewalk within one hour after the same shall have been emptied by the ash and garbage cartmen.

Ash or garbage vessels not to be upset.

§ 6. No person shall turn over, throw down, upset or break any vessel containing ashes or garbage, and placed on the sidewalk for the purpose of being emptied by the ash and garbage cartmen, so as to spill or throw the contents thereof upon the street.

Earth, stone, etc., from cellars.

§ 7. No person owning, building or repairing any house or other building, shall cast, throw or place, or permit or suffer to be cast, thrown or placed into the street or avenue adjoining the same, any earth, stone, sand or clay which may be dug from any cellar, area, vault or yard of such house or building, except that any such earth, stone, sand or clay may be thrown upon the sidewalk after sunrise, provided that the same be immediately removed, and be not left there after sunset of the same day; and provided further, that the board of city works, may in any case which they may deem proper, forbid in writing the same to be done, and thereupon the same shall not be done in such case.

Tearing up streets, parties to replace the same.

§ 8. Any person or persons, company or corporation, or officers thereof, who shall tear up the pavement or sidewalk of any street, lane, avenue, or public highway of the city of Brooklyn, for the purpose of laying gas mains therein, or the construction of sewers, or in connecting any building with the street, or introducing water into the same, or in laying, altering, repairing or working upon any railroad track or road, or for any other purpose whatever, or who shall perform any work, or place any materials in or upon any such sidewalk, street, lane or public highway, shall restore the said street pavement or sidewalk to as good a condition as it was in before being so torn up, and remove all stone, dirt and rubbish placed therein by said excavation or in performing any such work, within ten days after the completion of said work, under a penalty of fifty dollars, and a further penalty of ten dollars for every day after the said ten days during which the same shall remain unmoved; and that the parties tearing up any street, lane, avenue or public highway are required to keep the same in repair for one year from the date of such tearing up or excavation.

Snow and ice not to encumber sidewalks.

§ 9. No person shall permit any snow or ice to remain on the sidewalk and gutter in front of any house, building or lot occupied by him, or of any unoccupied house, building or lot owned by him, more than four hours after the fall thereof; or any dirt or rubbish to remain thereon more than four hours after notice thereof from the police.

Nor be thrown on rail road tracks.

§ 10. No person shall throw, place or pile, or assist in throwing, placing or piling, any snow, ice, or other impediment or obstruction to the running of the cars of any city railroad company, upon the tracks of such company, or in the space between the rails thereof, or in the space between the tracks, and a line distant three feet outside of such rails.

Vehicles, etc., not to stand on the streets.

§ 11. No person shall place, or cause to be placed or left, any cart, sleigh, wagon, carriage or vehicle of any kind, not in use, in any street, avenue, or public ground, except when permitted by the alderman of the ward; and no vehicle of any kind, or horses, shall be allowed to remain within one hundred feet of any church building during the regular services of the sabbath day.

Horses and vehicles on sidewalks.

§ 12. No person shall drive, back or lead any horse or cart, or wheel carriage on the footpath or sidewalk of any street or avenue.

Removal of buildings through the streets.

§ 13. No person shall remove, or cause or permit to be removed, or shall aid or assist in removing, any building

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into, along or across any street, lane, alley, or public place, without permission of the common council, under the penalty of two hundred and fifty dollars for each offense. Nor shall any person, under the like penalty of two hundred and fifty dollars for each and every offense, enclose any court-yard which shall extend into any street more than one-twelfth part of the width of such street, or more than five feet, nor construct any open fence around such enclosure or court-yard, exceeding four feet in height.

Obstructions to be removed from the streets

§ 14. The board of city works is hereby authorized and directed to take out, remove and abate, or cause to be taken out, removed and abated, any stoop, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign, post, tree, erection, and any projection from any building or otherwise, and any house or building, and any vault, cistern, slide or chute in, over or upon any street or avenue, and any snow, ice, or rubbish upon any sidewalk or gutter, contrary to the provisions of this article, and the expense thereof shall be recoverable of the owner or occupant of the premises appertaining to the same, respectively.

No street or number to be, except as designated by common council.

§ 15. No person shall use, put up or display, or cause or allow to be put up or displayed, as a street sign or name of a street, avenue or public place, or as a street number or designation to any dwelling, store, building or lot, owned or occupied by him, any name or number other than that assigned by the common council, and shown on the maps designating street names and numbers, now on file in the office of the board of assessors, under a penalty of twenty dollars for each and every such offense, and a like penalty for each and every month during which the same shall be allowed to continue.

Snow, ice, etc., not to be scattered on sidewalks.

§ 16. No person, company or corporation shall cast, throw or scatter any dirt, filth or snow, in or upon any gutter, sidewalk, or in or against any fence, step or house, or over or upon any person not in the carriage way of the street by means of any sweeper or otherwise; nor shall any person, company or corporation make or use any street-sweeping machine or contrivance which shall not be so constructed as to prevent scattering or throwing of dirt, filth, snow or dust raised thereby beyond the carriage way of any street whereon the same may be used or operated; under a penalty for each and every violation of these provisions, of two hundred and fifty dollars.

No person to place any dirt, sand, etc., in street gutters.

§ 17. No person shall place, or cause to be placed, any dirt, sand, rubbish, or obstruction of any kind, in the gut-

ter of any street, lane or avenue of the city of Brooklyn, under the penalty of fifty dollars, to be paid by each and every person causing or allowing the same to be done, and a penalty of twenty-five dollars to be paid by the person owning the premises from which such sand or dirt is taken.

No refuse matter to be thrown into streets.

§ 18. No person shall throw, place or deposit, or cause to be thrown, placed or deposited, in any street, lane or avenue of the city of Brooklyn, any nails or other article, or refuse of metal of any kind, or any bottles, crockery, pottery or glassware, or any other sharp or pointed articles of any kind or description, under a penalty of twenty dollars for each and every offense, to be severally paid by every person doing or causing the same to be done.

ARTICLE VII.

MISCELLANEOUS PRACTICES.

SEC. 1. Injuring trees.
2. When trees may be ordered to be cut down—penalty.
3. Obstructing gutters or sewers, etc.
4. Screening ashes.
5. Lighting public lamps.
6. Washing of carriages.
7. Wells and pumps, lamps and cisterns, not to be damaged, nor public buildings defaced.
8. Animals not to drink from pumps or hydrants.
9. Rate of speed over bridges.
10. Velocipedes when to be used in streets.
11. Kite flying.
12. Horse racing and fast driving.
13. Horses without a driver.
14. Rock-blasting.
15. Throwing stones.
16. Removing vault covers.
17. False alarms of fire.
18. Assembling in engine houses.
19. Runners with fire engines.
20. Personating a fireman.
21. Personating policemen or constables.
22. Penalty for breaking glass in street lamps.
23. Lounging prohibited.
24. Posting handbills or notices.
25. Dogs running at large.
26. Vicious dogs to be killed.
27. Howling or whining dogs not to be kept.
28. Junkmen to use bells of a certain kind.
29. Weight of hay or straw to be marked on bale.
30. Use of docks for loading and unloading vessels, care to be exercised.

Injuring trees.

SECTION 1. No person except the owner shall cut down, destroy, break, or in any way injure any tree or shrub standing in any street, avenue or public place, unless by direction of the common council, or by the board of city works for the purpose of regulating such street. All trees kept, maintained, or cultivated in any of the streets, avenues or lanes of the city, shall have the boughs or branches cut or trimmed close to the trunk of the tree at least ten feet above the ground, and it shall not be lawful to keep, maintain, or cultivate trees in any of the streets, avenues or

lanes of the city, excepting in the manner provided in this section.

When trees may be ordered to be cut down.

§ 2. Whenever it shall be made known to the board of city works by a complaint signed by three freeholders residing in the neighborhood, that any tree standing in or upon any street, sidewalk, or public place in the city of Brooklyn has become infested with worms so as to be a public nuisance or inconvenience, and said board and the alderman of the ward shall be so convinced, then it shall be the duty of the board of city works to cause written notice to be left upon the premises, in front of which said tree is situated, to have such tree removed, or the worms destroyed within two days thereafter, and if the owner shall fail to do so within the time limited, then it shall be the duty of said board of city works to cause said tree to be cut down and removed, and the owner shall be subject to a penalty of twenty-five dollars in addition to the costs of the removal of said tree.

Obstructing gutters, sewers, etc.

§ 3. No person shall stop or obstruct the passage of the water of any street, gutter or public sewer, culvert or water pipe, pump or hydrant, laid or placed by the city.

Screen ashes.

§ 4. No person shall sift or screen any ashes, lime, dirt or sand, or shake any carpet, etc., on any housetop, street, avenue, or public ground, or permit, suffer or employ the same to be done.

Lighting public lamps.

§ 5. No person shall light any public lamp, or extinguish the light of any public lamp, without having been lawfully appointed for such purpose.

Washing of vehicles.

§ 6. No person shall wash, or cause to be washed, any cart, carriage or other vehicle in any street, avenue or public place.

Wells and pumps, lamp posts, etc., not to be damaged, or public buildings defaced.

§ 7. No person shall damage or in any way deface or injure any public well, pump, hydrant, or cistern, or shall break the glass of any public lamp; or shall take down or carry away any such lamp hung or fixed in any street, avenue or public grounds; or shall injure or damage any fixtures of such lamp or public lamp-post; or shall tie, hitch or make fast any horse or other animal to any such lamp-post or pump, or shall drive any cart, wagon, carriage or other vehicle against any such lamp or pump; or shall take or use the water from any public cistern, except for the purpose of extinguishing fire; or shall throw any substance or article into any public well, or shall cut, mark, injure or deface the City Hall, or any public building or market

house belonging to the city, or any station house or engine house, or any sewer, railing or gate, enclosing any square or public park; or cut, break or injure any tree, grass or shrub or walk in any square or public park; or shall cut, break or injure any water-pipe or hydrant laid or placed by the city.

Animals not to drink from pumps or hydrants.

§ 8. No person shall suffer or permit any horse or other animal to drink from a pail or other vessel, while the same is suspended from or attached to the spout or other part of any public pump or hydrant in any street or public grounds.

Rate of speed over bridges.

§ 9. No person or persons shall drive or cause to be driven over or upon any of the bridges in the city of Brooklyn, any animal or vehicle at any other pace than a walk, under a penalty of five dollars for each offense.

Velocipedes when to be used in the streets.

§ 10. No person shall use or propel by riding the same, any velocipede or other similar vehicle in any public street in the city, between the hours of one o'clock in the afternoon and eight o'clock in the evening, under a penalty of two dollars for each and every offense.

Kite flying.

§ 11. No person shall raise or fly, or attempt to raise or fly, any kite in any street or avenue.

Horse racing and fast driving

§ 12. No person shall engage in horse racing, or ride or drive any horse in any street, avenue or road with greater speed than at the rate of five miles an hour; and any person violating this provision shall be stopped by the police.

Horses without a driver.

§ 13. No person shall at the same time drive, lead or direct more than one team or vehicle, or suffer or permit any horse or horses, or other animal or animals, attached to any carriage, cart, wagon, sledge, truck or other vehicle to go without a driver in any street, avenue or road, or to stand in any street, avenue or road without a person in charge, or without being secured to a tying post.

Rock blasting.

§ 14. No person shall blow or blast, or permit to be blown or blasted, any rock at any time between the hours of six o'clock in the forenoon and seven o'clock in the afternoon, between the first day of May and the first day of September in any year, or between the hours of eight o'clock in the forenoon and five o'clock in the afternoon of any day between the first day of September and the first day of May in any year, except where permission is granted by the mayor to blast at other hours.

Throwing stones.

§ 15. No person shall throw or cast any stone or other

CHAPTER III. ARTICLE VII.

missile in, from or to any street, lane, public place or unenclosed ground.

Removing vault covers.

§ 16. No person shall remove or insecurely fix, or cause, or procure, or suffer, or permit to be removed, or to be insecurely fixed so that the same can be moved in its bed, any grate or covering or aperture of any vault or chute under any street or avenue; but nothing herein contained shall prevent the owner or occupant of the building with which such shall be connected from removing such grate or covering for the proper purpose of such vault or chute, provided he enclose such opening or aperture, and keep the same enclosed while such grate or covering shall be removed, with a strong box or kerb at least twelve inches high, firmly and securely made, and provided further that he shall not remove such grate or covering until after sunrise of any day, and shall replace such grate or covering before one-half hour after sunset.

False alarms of fire.

§ 17. No person shall raise or assist in raising a false alarm of fire; or shall make a cry of fire without any apparent cause therefor, for the purpose of an alarm; or shall, unless he be a duly appointed bell-ringer, ring any bell for the purpose of raising an alarm of fire, except in case of fire.

Assembling in engine houses.

§ 18. No person, unless a fireman, policeman or public officer, shall enter or assemble with any other person or persons, in any engine-house belonging to the city, at any time or times, without the permission of the foreman of the company.

Runners with fire engines.

§ 19. No person other than a fireman or policeman, shall drag or run with, or assist in dragging any fire engine, hook and ladder, or hose cart.

Personating a fireman.

§ 20. No one shall personate a fireman or officer of the fire department at a fire, or going to or returning from a fire, or when on duty or otherwise, by wearing a cap or carrying a trumpet, or otherwise.

Personating a policeman or constable.

§ 21. No person, other than a policeman or constable of the city of Brooklyn, shall wear a badge of any such policeman or constable, or any counterfeit representation of said badge, or in this or in any other way personate such policeman or constable, under a penalty of twenty-five dollars for each and every offense.

Penalty for breaking glass in street lamps.

§ 22. No person shall injure, break or destroy the glass of any of the public gas lamps in any avenue, street, lane

or public place in the city of Brooklyn, under the penalty of five dollars for each offense, one-half of said penalty to be paid by the comptroller to the person or persons making the complaint, upon the conviction of the offender.

Lounging prohibited.

§ 23. No person shall encumber or obstruct any street corner or other public place of the city by lounging in or about the same.

Posting hand bills or notices.

§ 24. No person shall paste, post, paint, print or nail upon any of the curb, gutter or flag stones, trees, lamp posts, awning posts, horse posts, telegraph poles, barrels, boxes and hydrants in any of the public streets or avenues of this city any handbill, poster or notice, under a penalty of ten dollars for each and every offense.

Dogs running at large.

§ 25. Every dog found unmuzzled and running at large contrary to the provisions of the sanitary ordinances adopted by the common council on the recommendation of the board of health shall be liable to be seized and killed by any person or persons who are hereby authorized to destroy such dog, and it shall be the duty of every policeman to kill any such dog.

Vicious dogs to be killed.

§ 26. If any dog shall attack any person or any horse in a carriage, or upon which any person shall be mounted, at any place within the city limits other than upon the enclosed premises of the person or persons who shall own such dog, and complaint thereof be made to the mayor or to any justice of the peace, or police justice of the city, the said mayor, justice of the peace or police justice shall inquire into the complaint, and if satisfied of its truth, and that such dog is dangerous, he shall order the owner or possessor of such dog to kill him immediately; and the owner or possessor of any dog who shall refuse or neglect to kill him within forty-eight hours after having received such order shall forfeit the sum of ten dollars, and the further sum of five dollars for every forty-eight hours thereafter until such dog be killed.

Howling or whining dogs not to be kept.

§ 27. No person shall have or keep, or permit to be kept, on any premises owned or occupied in whole or in part by him or them, within the city, any dog which, by its howling or whining, shall disturb the neighborhood, under the penalty of twenty dollars for such offense. Upon the complaint of any citizen, the mayor is hereby authorized to issue a summons to the owner or possessor of such dog to show cause why said dog should not be killed. And every howling or whining dog so found contrary to the provisions of this ordinance, shall be liable to be seized or killed by order of the mayor.

CHAPTER III.
ARTICLE VII.

Junkmen, etc., to use only bells of a certain kind.

§ 28. No junkman or other person engaged in the buying or selling of goods, chattels, or merchandise of any kind in the city of Brooklyn shall use or employ on any street, lane or avenue of said city, either by having the same attached to his vehicle or horse, or in any other manner any bell exceeding six ounces in weight, or more than three bells at any one time, or cause or allow the same to be done under a penalty of ten dollars for each and every offense, to be severally paid by the person doing and the person causing the same to be done.

Weight of hay or straw to be marked on bale.

§ 29. It shall not be lawful for any person to sell or offer for sale within the corporate limits of the city of Brooklyn any hay or straw by the bale unless the exact gross or net weight shall be legibly and distinctly marked on every such bale of hay or straw, under a penalty of ten (10) dollars for each bale of hay or straw so sold or offered for sale.

Use of docks for loading and unloading of vessels; care to be exercised.

§ 30. No person or persons shall use or employ any horse or other animal on any public dock, bulkhead or pier at the Wallabout or at the foot of Washington Avenue, for the purpose of loading or unloading any vessel lying at said docks, bulkheads or piers, with any description of apparatus necessitating the going to and fro in a direct line of said horse or animal, unless he or they shall place upon the same a temporary flooring of planks to prevent the wearing or rotting of the deck of the dock, bulkhead or pier so used, and such temporary flooring shall be removed immediately after the loading or unloading of said vessel by the person or persons using the same, under the penalty of twenty-five dollars for each and every violation of the provisions of this section.

ARTICLE VIII.

TO REGULATE THE GRANTING OF PERMITS FOR THE OCCUPATION OF STREETS OR AVENUES.

SEC. 1. Aldermen may grant permits.
1. To place carts, wagons or other vehicles in carriage-way of streets.
2. To use portion of street for display of goods, etc.
3. To use sidewalk.
4. To erect signs or bill-boards.
5. To display signs of canvas, etc., across street.
6. Not to erect signs or awnings without permission of aldermen.
7. Form of permits.
8. Permits revocable.
9. Permits to be shown when demanded.
10. No permit to be a defence to any suit unless proven.
11. Permits to be revoked when objected to.
12. Repealing clause.

Aldermen may grant permits.

SECTION 1. Each alderman of the city of Brooklyn is hereby given authority to grant permits in writing, for the occupation of portions of streets or avenues in the ward

which he represents, for the purposes and subject to the limitations and conditions hereinafter named, and not otherwise; that is to say:

To place carts, wagons, or other vehicles on carriageway of streets.

1. To place any cart, wagon or other vehicle (which is in actual use during some portion of every day,) when the same is not in use, upon the carriage-way of any street, but next to the curb, and in such manner that it shall be parallel to the curb and obstruct the travel as little as possible; but no power shall be deemed to be hereby given to place any such vehicle upon any street, except in front of the place or residence of the owners where the same is used, or where the draught animals for the same are stabled or kept, nor upon any street upon which there is a railroad track in use, unless there is a space at the place where such privilege is given, of at least twenty feet between the curb and the nearest track.

To use portion of street for display of goods, etc.

§ 2. To use a portion of the street next to its exterior building line, not exceeding one-fifteenth part of the width of the same, and not exceeding five feet, for the display of goods or merchandise offered for sale in the adjacent premises, or for a box for containing coal; but no such permit shall authorize such goods or box to be placed, piled or fastened to a heighth greater than three feet, or so as to in any manner obstruct an adjacent show-window.

To use sidewalk.

§ 3. To use a portion of the street upon the sidewalk thereof, and adjacent and next to the curb, not exceeding three feet in width, for the display of goods or merchandise, but no such goods shall be piled to a heighth greater than five feet, and shall not extend along the street more than half the width of frontage of the adjacent property.

To erect signs or bill-boards.

§ 4. To erect a sign or bill-board upon the sidewalk, and adjacent to the curb, but not occupying a space across the street of more than nine inches, and not occupying a space parallel to the street of more than three feet; but no permit to place more than one such sign or bill-board in front of any building shall be given to the same person, except in front of theatres and places of public meeting or entertainment.

To display signs of canvas, etc., across street.

§ 5. To display signs of canvas, or any similar material, and of no other, across the sidewalk or streets, provided the same are placed at least ten feet from the flagging or pavement.

Not to erect signs or awnings without

§ 6. No person shall erect or put up upon the sidewalk or streets of the city any sign or awning post, either of wood,

permission of alderman.

iron, or other material without permission from the alderman of the ward.

Form of permits.

§ 7. All such permits shall be dated, and shall be upon paper, on which a full copy of this ordinance shall be printed, and not otherwise; and they shall be of force and effect only during the calendar year in which they were given, and for thirty days thereafter.

Permits revocable.

§ 8. All such permits shall be revocable at the pleasure of this board, or of the alderman by whom the same was granted, and no such permit shall be of any force or effect, unless given to the person entitled to the possession of the property adjacent on that side of the street, or to a person by him permitted or authorized.

Permits to be shown when demanded.

§ 9. Inspectors, public officials and adjacent owners shall be entitled at all times to see and inspect all such permits upon proper demand made at the premises, and the refusal or neglect to produce the same when so demanded, shall be punishable by the fine provided against the obstruction by ordinance, had not such permit been given.

No permit to be a defence to any suit unless proven.

§ 10. No permit given under the authority of this ordinance shall be a defence to any suit, action, or proceeding prosecuted against any person for any such obstruction, unless he shall prove the same in open court, and prove that it was granted by the proper officer to a person entitled to receive the same.

Permits to be revoked when objected to.

§ 11. No permit given under this ordinance shall be valid after a written protest served upon the alderman giving the permit by two or more owners of property next adjacent, and it shall be his duty to immediately revoke and recall the same.

Repealing clause.

§ 12. All ordinances, or parts of ordinances, inconsistent, or in any manner interfering with this ordinance, are hereby repealed.

CHAPTER IV.

AN ORDINANCE FOR THE PRESERVATION OF THE PUBLIC HEALTH AND SANITARY CODE OF THE BOARD OF HEALTH.

The common council of the city of Brooklyn do ordain as follows:

SEC. 1. Meaning of the terms herein—To what terms apply—Meaning of "regulation"—Meaning of "permit," "report," "light."
2. Meaning of "street," "public place," "ashes," "rubbish," "garbage," "dirt."

SEC. 3. Meaning of "tenement house," "lodging house," "cellar," "boarding house," "manufactory," "saloon." CHAPTER IV.
4. Meaning of "theatre."
5. Meaning of "physician"—"contagious disease."
6. Meaning of "meat"—"vegetable."
7. Meaning of "cattle"—"butcher"—"private market."
8. Responsibility for carelessness, negligence and omission.
9. Every contractor to comply with ordinances, &c.
10. Every person to obey regulations and orders of board of health.
11. Inspectors and board of police to execute orders, &c.
12. Board of police shall exercise its former sanitary jurisdiction, and keep board advised of its action.
13. No person except, &c., to grant bills of health.
14. No doctor, etc., to administer any medicine under false representation.
15. No poisonous medicine to be sold without being marked.
16. No person shall sell poisonous drugs.
17. No person shall construct unsafe buildings, etc.
18. No person shall lease unwholesome buildings, &c.
19. No person to be allowed to sleep in a dangerous place.
20. No boarding-house to be overcrowded.
21. Theatres, etc., shall not be overcrowded.
22. Water closets, etc., to be provided for boarding-houses.
23. Manufactories, etc., to be kept clean, wholesome and safe.
24. Prisons to be ventilated, etc.
25. Persons cleaning streets shall clean gutters before using water.
26. Adequate drains, etc., to be provided.
27. Accumulations in sewers to be prevented.
28. Adequate drainage of city to be provided.
29. No diseased meats, etc., to be brought in city.
30. Calves, etc., etc., to be of certain ages before being killed.
31. No diseased cattle to be killed for food.
32. No meat to be taken to market for food until cool. No gut-fat to be brought to market.
33. No person to sell fish unless certain parts have been removed.
34. No decayed vegetables to be sold.
35. No boarding-house keeper to allow unwholesome food to be used.
36. No diseased meat to be sold.
37. No meat, etc., to be sold under false representations.
38. Every person having meat, etc., for sale to keep stall in wholesome condition.
39. Butchers to have refrigerators lined, etc.
40. Every person to report the selling of unwholesome food.
41. No deleterious drink to be brought into city.
42. Unsound and unhealthy food to be examined.
43. No deleterious drink to be given or sold.
44. No distiller to manufacture unwholesome liquid.
45. No person to sell milk without a permit. No swill milk to be sold.
46. No vegetable or mineral substance to be thrown into waste pipe or reservoir.
47. Duty of every person to preserve purity and wholesomeness of water.
48. No person to destroy or put any dirty, etc., substance into any hydrant.
49. No cattle, etc., to go at large, or to be unloaded from cars.
50. No swine, etc., to be allowed to go at large, or to be kept within built-up portion of city.
51. No cattle to be kept in unwholesome place.
52. Number of cows to be allowed to an acre. All stables, etc., to be kept wholesome.
53. No swine, etc., to be kept within built-up portion of city without permit.
54. How cattle to be transported.
55. How cattle to be kept and slaughtered. Cattle not to be slaughtered within built-up portion of city.
56. Butchers, etc., shall keep yards clean and woodwork whitewashed.
57. Cattle shall not be slaughtered within any street or public alley.
58. No building occupied as slaughter-house, or building on same lot, shall be occupied as dwelling without permit. Underground connection to be made.
59. No slaughter house to be kept without permit.
60. No animals, etc., to be killed near noxious substance.
61. No person to become a butcher without permit.
62. Every butcher, etc., to allow stock to be inspected, etc.
63. No butcher's refuse to be conveyed through any streets, between certain hours.
64. No person to sell fish, etc., on street without permit.
65. No person to allow liquid to run across or accumulate on street.
66. Owners, etc., to remove snow, ice, etc., from sidewalks.
67. No pound to be allowed to become dangerous to health.
68. No dogs to be allowed in streets, at certain times, unless properly muzzled.
69. Animals having hydrophobia to be killed. Animals exposed to hydrophobia to be securely confined. How dead bodies shall be buried.

CHAPTER IV.

SEC. 70. No person to allow offensive water to be permitted on his premises. No offensive business to be opened without permit. Such establishments to be kept clean.
71. Gas companies not to allow refuse matter to run into streets, &c. Offensive odors not to be allowed to escape from gas house. Proper means to be used to prevent escape of odor.
72. Water closets to have adequate construction for preventing the escape of offensive smells. Proper ventilation to be provided.
73. No offal boiling, etc., to be allowed without permit.
74. No offal boiling, etc., to be allowed without permit. How applications for permits shall be made,
75. Residuum from fat boiling to be rendered inoffensive.
76. No varnish factory, etc., to be erected without permit,
77. No animal substance to be deposited in vacant lots, etc., without permit.
78. No ground filled with offensive material to be opened at certain times without permit.
79. No fat, unless fresh, to be melted. All melting to be in steam tight vessels. Odors to be destroyed. No fat to be brought into city to be rendered.
80. Contents of privy or waste and refuse not to be thrown into streets or vacant lots. Nor into East River, or any canal.
81. No swill, etc., to be allowed to run upon street.
82. No butcher's offal, etc., to be thrown on street, etc.
83. Contents of privies not to be drawn off into any street. Contents not to be allowed to rise within two feet of top. Privies not to be filled with dirt until filthy contents removed.
84. No offal to be deposited into any sinks, etc.
85. Contents of tubs, etc., not to be allowed to become a nuisance.
86. How receptacles for liquid substances shall be constructed. Provisions as to cesspools shall apply to tubs, etc. Contents of vaults, etc., not to be dropped into East River.
87. No dirt, brick or other material to obstruct free flowage along gutter.
88. Sufficient receptacles for ashes and rubbish to be provided for every building, etc. Every tub to be lined with suitable metal. Separate vessels for ashes and garbage to be provided. No box, etc., to remain on sidewalk longer than necessary.
89. Boxes, etc., to be placed as inspectors, etc. direct. No person to interfere with contents.
90. Occupants may deliver ashes, etc., direct to proper carts. Provided such garbage be not offensive.
91. No lime to be sieved. No mats shaken in streets. No business to be conducted where particles therefrom shall pass into street. Precaution to be observed in building, etc.
92. Stable-manure to be removed. Removal in certain cases must be made within certain hours. Every stable, etc., to have vault of not less than sixty-four cubic feet capacity. Permits.
93. No vaults, etc., to be emptied without permit.
94. Contents of privies not to be removed at certain times unless in certain apparatus.
95. Driver of offal cart to give notice, etc.
96. No person to engage in business of scavenger without permit.
97. Carts, etc., to be constructed according to regulations.
98. Carts used in removing garbage, etc., not to occupy unreasonable time in loading.
99. Carts and boxes to be strong and tight, and not spill contents.
100. Emptying privies to be carefully conducted.
101. Liquid manure not to escape from carts.
102. Contents of privies to be disinfected before removed.
103. Privies not to be emptied without permit.
104. Accumulations of manure not to be allowed. Straw used as bedding not to be dried on sidewalks.
105. Manure not to be accumulated.
106. Manure, etc., not to be turned.
107. Oyster saloon keepers to remove shells daily.
108. Hotel garbage not to be removed except in certain casks.
109. Ashes of blacksmith shops, etc. How to be removed, etc.
110. Furnaces to be constructed so as to consume their own smoke.
111. Privies to be built according to regulations, and pursuant to permit.
112. Animals having contagious diseases not to be brought into city.
113. No person to retain horse having glanders.
114. Bodies of dead animals not to be thrown into public streets.
115. Injured or diseased animals—how disposed of.
116. Dead animals to be removed.
117. Notice of dead animals to be given.
118. Treatment of sick or injured animals in streets.
119. Offal docks not to be obstructed.
120. Offal and street contractors to act promptly.
121. Street dirt not to be left in heaps.
122. Vessels not to go to offal dock.
123. Physicians to report persons sick with contagious disease.

124. Physicians to report deaths of patients from contagious disease.
125. Hotel keepers to report persons sick of contagious disease.
126. Commissioners, etc., of public institutions to report persons sick of contagious diseases.
127. Masters of vessels to report persons sick of contagious diseases.
128. Duty to report persons sick of contagious diseases.
129. Boarding and lodging house keepers to report sick persons.
130. Masters of vessels arriving at docks of city to report.
131. Notice of persons sick on vessels.
132. Cotton to be reported.
133. Skins arriving not to be unloaded without permit. Straw from emigrant vessels exposed to contagion not to be sold, etc.
134. Vessels from quarantine not to unload without permit.
135. Persons sick of contagious diseases not to be removed from vessels. Articles exposed to contagion not to be removed.
136. Vessels from infected ports not to land without permit.
137. Articles or persons from the infected ports not to be brought into the city.
138. Straw from vessels from certain ports not to be thrown overboard.
139. Health officer to make weekly reports of persons sick.
140. Persons sick of contagious diseases not to be removed or exposed.
141. Parents to cause children to be vaccinated.
142. Parents not to allow children to be exposed to any disease.
143. Interments not to be made without permission.
144. New cemeteries not to be established. Graves not to be opened without permit. Depth of graves.
145. Sextons and undertakers to report names, etc.
146. Sextons to make returns.
147. Bodies not to be removed from city without permits. Effect to be given to permits from other boards, etc.
148. Dead bodies not to be retained unduly.
149. Dead bodies to be reported.
150. Dead bodies not to be retained, without permit, more than four days. Not to apply to Morgue.
151. Coroners to report before holding inquests.
152. Clergymen to keep registry of marriages. Physicians to keep registry of births and deaths.
153. Copy of registry to be sent to board.
154. Clerks to make entry of births, deaths and marriages.
155. Next of kin to report deaths.
156. Cars to be thoroughly cleaned.
157. Bundles of soiled clothes not to be carried in cars.
158. Tenement houses to conform to code.
159. Ventilation and windows. Ventilator in hall.
160. Roof to be kept in repair.
161. Water closets or privies. One to every twenty occupants. To be connected with sewer. To have traps and water. Obstructions, etc., to be prevented. Cesspools allowed only when unavoidable. Yard or area to be connected with sewer or street gutter.
162. Cellars not to be used as dwellings unless they conform to code. Must be drained. Must have windows, etc. When back cellar may be occupied with front one.
163. No cellar to be occupied for lodging without permit.
164. Garbage boxes. Combustibles, unhealthy articles and animals not to be kept.
165. To be kept clean. To be cleaned to satisfaction of board of health. To be whitewashed twice a year. Owners and agents names printed.
166. Officers of board of health to have access. Sick persons to be reported. House may be disinfected. Bedding, etc., may be destroyed.
167. Buildings infected or unfit for human habitation may be vacated.
168. No house to be used as a tenement except it conforms to requirements.
169. Distance between buildings on front and rear of lot. Buildings on rear of lot.
170. Height of rooms. Windows. Size of windows. Small rooms to have special ventilation.
171. Chimneys. Ashes and rubbish. Water. Cellar floor. Halls open at ends.
172. Definition of tenement house. Definition of lodging-house. Definition of cellar.
173. School teachers to keep school-rooms ventilated, etc.
174. Nothing that shall imperil life to be in public places.
175. Noisy dogs not to be allowed in stables.
176. Church bells not to be rung without permission.
177. Cespools and privy vaults to be connected with sewer.
178. No premises to be used for business or amusement to detriment of health.
179. Agents, etc., to disclose names of owners.
180. No animals, etc., to be brought into city to detriment of health.
181. No building, vehicle, etc., to be used if a detriment to health.
182. No nuisance of any kind permitted.
183. All ordinances, etc., to be obeyed.
184. Penalties for violation.
185. Ambulances of the department to have the right of way in streets.

CHAPTER IV. DEFINITION OF TERMS.

Meaning of the terms herein.

SECTION 1. That the terms "board," "this board," and "said board," shall be held to mean the "board of health of the city of Brooklyn;" that the word "department," wherever used herein, shall be held to mean the board of health of the city of Brooklyn; that the words "person,"

To what terms apply.

"owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "board," and "officer," shall respectively be held to apply to and include, both jointly and severally, each and all owners, part owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards and corporations who may sustain the relations, or may be in like position of any one or more thereof referred to in any ordinance or regulation; that every order, ordinance or regulation declared applicable to the built-up portion of Broooklyn, shall, so far as the subject-matter thereof is applicable (save as to interments), and so far as this board has authority to make the same, be held to include and apply to the built-up portions of said city; that every word or phrase anywhere herein defined shall be held to include the same sense wherever used; that the words "city," or "this city," or "said city," whenever

Meaning of "regulation."

used herein, shall be held to mean the city of Brooklyn; that the word "regulation," shall be held to include "special regulation," (which latter will be from time to time issued, and will contain more detailed provisions than can

Meaning of "permit," "report," "light."

be herein conveniently set forth); that the word "permit" shall be construed to mean the permission in writing of this board, issued according to its by-laws, rules, regulations and sanitary code; and that every "report" herein required shall be held to be a report in writing, signed by the person (and indicating his official position) who makes the same; that the word "light," or "lighted," shall be held to refer to external light; and that all words and phrases herein defined, shall also include their usual and natural meaning, as well as herein especially given.

Meaning of "street," "public place," "ashes," "rubbish," "garbage," "dirt."

§ 2. That the word "street," when used in the sanitary code, shall be held to include avenues, sidewalks, gutters, and public alleys; and the words "public place" shall be held to include parks, piers, docks and wharves, and water and open spaces thereto adjacent; also public yards, grounds and areas and all open spaces between buildings and streets, and in view of such streets; the word "ashes" shall be held to include cinders, coal, and everything that usually remains after fires; the word "rubbish" shall be held to include all the loose and decayed material and dirt-like substance that attends use or decay, or which accumulates from building, storing or cleaning; the word "garbage" shall

be held to include every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, decay, and dealing in or storage, of meats, fish, fowl, birds or vegetables; and the word "dirt" shall be held to mean natural soil, earth and stone.

Meaning of "tenement house," "lodging house." "cellar," "boarding house," "manufactory," "saloon."

§ 3. That a "tenement house" shall be taken to mean and include every house, building, or portion thereof, which is rented, leased, let or hired out to be occupied, or is occupied, as the house, home or residence of more than three families living independent of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them. A "lodging-house" shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A "cellar" shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining. The phrase "boarding-house" shall be held to include every building, and every story and portion thereof, which is at any time or usually used, leased or occupied, or intended so to be, by any number of persons, exceeding ten, as boarders thereat. The word "manufactory" shall be held to include every building, and every story and portion thereof, in which any sort of labor or work is done, which calls for the continual or usual presence of several persons during several hours of the day or night, engaged about said work or labor; and the word "saloon" shall be held to include every portion of any building, in which the business of selling meals, liquors, drinks or refreshments of any kind, shall be conducted, and includes "concert saloons."

Meaning of "theatre."

§ 4. That the term "theatre" shall be held to include the building, rooms and place where any play, concert, opera, circus, trick of jugglery, show, gymnastic or other exhibition, masquerade, public dance, drill, lecture, address, or other public or frequent gathering or amusement, are, is, or may be held, given, performed or take place, and the approach or approaches to and appurtenances thereof.

Meaning of "physician."

§ 5. That the word "physician" shall include dentists, and every other person who practices about the cure of the sick or injured, or who has charge of, or professionally prescribes for, any person sick, injured or diseased, and any

CHAPTER IV.

"Contagious disease."

person who pursues the business of or acts as midwife; that the phrase "contagious disease" shall be held to include all persons sick, affected or attacked by a disease of an infectious, contagious or pestilential nature (more especially, however, referring to the cholera, yellow fever, small-pox, diphtheria, ship or typhus, typhoid, spotted, relapsing and scarlet fevers), and also including any new disease of an infectious, contagious or pestilential nature, and also any other disease publicly declared by this board dangerous to the public health; and every physician in said city shall at all times cause his or her name, office and residence, and also his or her kind and class of practice, to be registered within the bureau of vital statistics, and in a manner according to the regulations prescribed by this board.

Meaning of "meat," "vegetable."

§ 6. That the word "meat" whenever herein used, includes every part of any land-animal and eggs (whether mixed or not with any other substance); and the word "fish" includes every part of any animal that lives in water, or the flesh of which is not meat; and the word "vegetable" includes every article of human consumption as food, which (not being meat, or fish, or milk) is held or offered, or intended for sale or consumption as food for human beings, at any place in said city; and all fish and meat found therein shall be deemed to be therein, and held for such sale or consumption as such food, unless the contrary be distinctly proved.

Meaning of "cattle," "butcher," "private market."

§ 7. That the word "cattle" shall be held to include all animals except birds, fowl, and fish, of which part of the body is used as food; the word "butcher" shall be held to include whoever is engaged in the business of keeping, driving or slaughtering any cattle, or in selling any meat; the words "private market" shall include every store, cellar, stand and place (not being part of a public market) at which the business is the buying, selling or keeping for sale, of meat, fish or vegetables for human food.

MISFEASANCE AND NONFEASANCE.

Responsibility for carelessness, negligence and omission.

§ 8. That no person shall carelessly or negligently do, or advise or contribute to the doing, of any act or thing dangerous or detrimental to the health of any human being; nor shall any person knowingly do, or advise, or contribute to the doing of any such act or thing (not actually authorized by law) except with justifiable motives and for adequate reasons; nor shall any person omit to do any act, or to take any precaution, reasonable and proper, to prevent or remove danger or detriment to the life or health of any human benig.

OBEDIENCE TO ORDINANCES AND REGULATIONS. CHAPTER IV.

Every contractor to comply with ordinances, etc.

§ 9. That every contractor in these ordinances referred to, and every person who has contracted, or undertakes, or is bound to do, or is engaged in doing, any one of those things, in respect of which these ordinances contain provisions or regulations, shall comply with these ordinances, to the extent that any contract, obligation or duty requires or permits; and no direction of any contractors or persons shall excuse him for non-compliance with any of said ordinances.

Every person to obey regulations and orders of board.

§ 10. That every person shall observe and obey each and every special regulation, and every order of this board that is or may be made for carrying into effect any of the ordinances or powers hereinbefore or hereinafter contained, or contained in any law of this state, or otherwise, whether issued directly by the board, or promulgated by any bureau charged therewith, as if the same had been herein inserted at length.

ENFORCEMENT OF ORDINANCES.

Inspectors and board of police to execute orders, etc.

§ 11. That the inspectors of this department, and its proper officers and agents, shall make the inspections and examinations required by law; that the board of police of the city of Brooklyn do execute, and cause to be executed, all the orders of this board when so specially ordered; and all persons are hereby forbidden to interfere with or obstruct such inspection, examination or execution.

Board of police shall exercise its former sanitary jurisdiction, and keep board advised of its action.

§ 12. That, except as herein specially or otherwise provided, or as may be hereafter provided, or as is otherwise made necessary by the laws of the state, the board of police of the police department shall, through its proper officers and men, and as near as may be according to its existing regulations, or amendments to be made thereto, on advice with this board, and subject to the supervision of this board, carry into effect and exercise the sanitary powers heretofore exercised by the board of police; and that said board of police shall keep this department regularly advised of its action in that behalf, and shall conform to these and all future ordinances, and to all special regulations of this board.

BILLS OF HEALTH.

No person except, etc., to grant bills of health.

§ 13. That no person, officer or board within said city (except this board or its proper officers, or proper officers of any bureau of this department, and as the regulations of this board shall provide) shall grant, sign or deliver any certificate or "bill of health."

CHAPTER IV. MEDICINES, ADULTERATIONS AND POISONS.

No doctor, etc., to administer any medicine under false representation.

§ 14. That no doctor, druggist or other person shall make, sell, put up, prepare or administer, any prescription, decoction or medicine under any deceptive or fraudulent name, direction or pretence; nor shall any false or deceptive representation be made by any person to any other as to the kind, quality, purpose, or effect of any such or other drug, medicine, decoction, drink, or other article offered or intended to be taken as food or medicine.

No poisonous medicine to be sold without being marked.

§ 15. That no poisonous medicine, decoction or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precaution as to the use thereof; nor shall any bottle, box, parcel or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person whom the party delivering the same to has reason to think intends it for any illegal or improper use or purpose.

No person shall sell poisonous drugs.

§ 16. That no person shall make, offer or have for sale or keep at any place of sale, "any poisonous, unwholesome, deleterious or adulterated drugs, medicine or food," or in respect thereto omit any act or thing required, or do any act forbidden by any law or health regulation of this state, applicable to any part of said city.

CONSTRUCTION OF BUILDINGS, VENTILATION AND DRAINAGE.

No person shall construct unsafe buildings, etc.

§ 17. That no person shall hereafter erect, or cause to be erected, or converted to a new purpose by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to ventilation, light, sewerage or any of the usual, proper or necessary provisions or precautions for the preservation of health, nor shall the builder, lessee, tenant or occupant of any such, or of any other building or structure (within the right or ability of either to remedy or prevent the same,) cause or allow any matter or thing to be or to be done in or about any such building or structure dangerous or prejudicial to health.

No person shall lease unwholesome buildings, etc.

§ 18. That no owner, agent, or lessee of any building, or any part thereof, shall lease or let, or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied as a place in which any one may dwell or lodge, except when said buildings or such parts thereof are sufficiently lighted, ventilated, provided and accommodated, and are in all respects in that condition of cleanliness and wholesomeness for which this code or any

law of this state provides, or in which they or either of them require any such premises to be kept. Nor shall any such person rent, let, hire out or allow, having power to prevent the same, to be used as or for a place of sleeping or residence, any portion or apartment of any building which apartment or portion has not at least two feet of its height and space above the level of every part of the sidewalk and curbstone of any adjacent street, nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell or exhalation prejudicial to health. But this section shall not prevent the leasing, renting or occupancy of cellars or rooms less elevated than as aforesaid, and as a part of any building rented or let, when they are not let or intended to be occupied or used by any person as a sleeping apartment, or as a principal or sole dwelling apartment.

No person to be allowed to sleep in a dangerous place.

§ 19. That no person having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substance or otherwise.

No boarding-house to be overcrowded.

§ 20. That no owner, lessee or keeper of any tenement-house, lodging-house, boarding-house or manufactory shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to health.

Theatres, etc., shall not be overcrowded.

§ 21. That no person, being the lessee, manager, conductor or owner of any theatre, shall cause, permit or allow the same, or any part or appurtenance thereof to be so far overcrowded, or inadequate, faulty or insufficient in respect of cleanliness, ventilation, or in any other particular, as that thereby, or by reason thereof, any avoidable peril shall come or happen to, or be incurred or suffered by, any person being properly at or in such theatre.

Water closets, etc., to be provided for boarding-houses.

§ 22. That every person who shall be the owner, lessee or keeper or manager of any tenement-house, boarding-house, lodging-house or manufactory, shall provide, or cause to be provided for the accommodation thereof, and for the use of the tenants, lodgers, boarders and workers, thereat, adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive, or be dangerous or detrimental to health. And no offensive smell or gases, from or through any outlet or sew-

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er, or through any such privy or water-closet, shall be allowed, by any person aforesaid, to pass into such house or any part thereof, or into any other house or building.

Manufactories, etc., to be kept clean, wholesome and safe.

§ 23. That every owner, lessee and tenant, and manager of any boarding-house or manufactory, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a clean and wholesome condition, and shall speedily cause every department thereof in which any person may sleep, dwell or work, to be adequately lighted and ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not, by any reason of the want thereof, or of anything about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the health of any person being properly therein or thereat.

Prisons to be ventilated, etc.

§ 24. That no keeper, or other officer or person having control or authority in any jail, prison or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the health of any such person, by reason of too little or too much heat, or of a want of food, drink or ventilation, or from the want or neglect of any other reasonable care, protection or precaution.

Persons cleaning streets shall clean gutters before using water.

§ 25. That every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the streets along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected.

Adequate drains, etc., to be provided.

§ 26. That it shall be the duty of every person using, making or having any drain, soil pipe or passage to connect with any sewer (or with either the East River and any canal) and any ground, building, erection or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings and erections, and of the parties interested in such place of business, or the business thereat, and in like manner the duty of all boards, departments, officers and persons (to the extent of the right and authority of each), to cause and require that such drain, soil-pipe, passage and connection shall at all times be adequate for its purpose, and such as shall convey and allow freely and entirely to pass whatever enters or should enter the same.

Accumulations in sewers to be prevented.

§ 27. That it shall be the duty of all boards, departments, officers and persons having power and authority so to do or require (and to the extent thereof,) to cause to be used sufficient water, and other adequate means to be taken so that whatever substances may enter any sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulations shall take place, and no exhalations from thence proceed, dangerous or prejudicial to health.

Adequate drainage of city to be provided.

§ 28. That the proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of said city to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions in every particular, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drainage, or the want thereof.

FOOD AND DRINK.

No diseased meats, etc., to be brought in city.

§ 29. That no meat, fish, birds or fowl, or vegetables, nor any milk, not being then healthy, fresh, sound, wholesome and safe for human food, nor any meat or fish that died by disease or accident, shall be brought within said city, or offered or held for sale in any public or private market, as such food, anywhere in said city.

Calves, etc., etc., to be of certain ages before being killed.

§ 30. That no calf, pig or lamb, or the meat thereof, shall be brought, held or offered for sale, as such food, in said city, which, at the date of its death (being a calf,) was less than four weeks old; or (being a pig) was, when killed, less than five weeks old; or (being a lamb) was, when killed, less than eight weeks old. Nor shall any meagre, sickly or unwholesome fish, birds or fowl be bought, held, sold or offered for sale, as such food, in said city.

No diseased cattle to be killed for food.

§ 31. That no cattle shall be killed for human food while in an overheated, feverish or diseased condition; and all such diseased cattle, in the city of Brooklyn, and the place where found, and their disease, shall be at once reported to this board by the owner or custodian thereof, that the proper order may be made relative thereto, or for the removal thereof from said city.

No meat to be taken to market for food until cool.

§ 32. That no meat, or dead animal above the size of a rabbit, shall be taken to any public or private market for food until the same shall have fully cooled (and all blood

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No gut-fat to be brought to market.

shall have ceased dripping therefrom) after its killing, nor until the entrails, head, (unless the same be skinned,) hide, horns and feet shall have been removed. Nor shall gut-fat, or any unwholesome or offensive matter or thing be brought to or near any such market.

No person to sell fish unless certain parts have been removed.

§ 33. That no person shall, in the built-up portion of the city of Brooklyn, or adjacent thereto, sell, or have for sale, any fish in or from any vehicle, or in any street or public place, from which all parts which are not usually cooked for food have not been removed.

No decayed vegetables to be sold.

§ 34. That no decayed or unwholesome vegetables shall knowingly be brought into said city, to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

No boarding-house keeper to allow unwholesome food to be used.

§ 35. That no person, being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious or unwholesome substance, nor allow anything therein to be done or to occur prejudicial to health.

No diseased meat to be sold.

§ 36. That no cased, blown, plaited, raised, stuffed, putrid, impure or unhealthy or unwholesome meat or fish, bird or fowl shall be held, bought or sold or offered for sale for human food, or held or kept in any market, public or private, or any public place in said city.

No meat, etc., to be sold under false representations.

§ 37. That no meat, fish, vegetables or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labelled, or any representation made in respect thereof under a false name or quality, or as being what the same is not, as respects wholesomeness, soundness or safety for food or drink.

Every person having meat, etc., for sale to keep stall in wholesome condition.

§ 38. That every person being the owner, lessee, or occupant of any room, stall or place where any meat, fish or vegetables, designed or held for human food shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall and place, and its appurtenances, in a clean and wholesome condition; and every person having charge, or interested, or engaged, whether as principal or agent, in the care, or in respect to the custody or sale of any meat, fish, birds, fowl or vegetables designed for human food, shall put and preserve the same in a clean and wholesome condition, and shall not allow the same, or any part thereof, to be poisoned, infected or rendered unsafe or unwholesome for human food.

Butchers to have refrigerators lined, etc.

§ 39. That no butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead or some proper metallic substance, so as to be water-tight, nor unless the same be provided with a pipe of lead, zinc or copper leading therefrom to the nearest gutter or proper waste pipe.

Every person to report the selling of unwholesome food.

§ 40. That it shall be the duty of every person knowing of any fish, meat, fowls, birds or vegetables being bought, sold or offered or held for sale as food for human beings, or being in any market, public or private, in said city, and not being sound, healthy or wholesome for such food, to forthwith report such facts, and the particulars relating thereto, to this board, or to one of its officers or inspectors.

No deleterious drink to be brought into city.

§ 41. That no person shall, without consent of this board, bring into said city for use as a drink for human beings, or offer or have for sale in said city, as such drink, any poisonous or deleterious liquid.

Unsound and unhealthy food to be examined.

§ 42. That upon any cattle, meat, birds, fowl, fish or vegetables being found by any inspector, or other officer of this department, in a condition which is in his opinion unwholesome and unfit for use as human food, or in a condition, or of a weight or quality in this code condemned or forbidden, he shall cause the same to be examined by two reputable persons, reasonably competent to judge in respect thereto, whom he may conveniently find; and if both said persons disagree with him in opinion in respect thereto, he shall take no action and give no order, relative to the same, till he has been instructed by the sanitary superintendent; and if one or both of said persons agree with him in respect to said articles, then said inspector or officer may forbid the same being offered or exposed for sale, or being sold for human food, till the owner or party in charge or other proper person has obtained the consent of the sanitary superintendent or of this board, to their being so offered, used or sold. And if both such persons agree with him in opinion, he may order the same to be removed; and thereupon, or if this board shall have approved the judgment of said inspector, it shall be the duty of the owner or party in charge to speedily remove such articles from any market, street or public place, and not to sell or dispose or offer to sell or dispose thereof for the purpose of human food. And in default of such removal, and also in case of disobedience of such order, and also in all cases where in his opinion such articles, by reason of their being in a decayed or offensive condition, would, if allowed longer to remain, be dangerous to health, the same (as this board may provide) may be caused to be removed by any inspector, police-officer or

CHAPTER IV. officer of this department, to some suitable place, at the expense of the party who should have removed the same, and the owner and party in interest must take notice thereof.

No deleterious drink to be given or sold.

§ 43. That no person shall sell or give to any other person or permit such other person to get (having the right and ability to prevent the same) any drink, when such first-named person may have reason to think or believe that such drink may cause danger or detriment to life.

No distiller to manufacture unwholesome liquid.

§ 44. That no distiller, or brewer or other person, shall manufacture, or have or keep for sale, any liquid designed for drink or beverage for human beings which would be, if used, dangerous or detrimental to life or health.

No person to sell milk without a permit.

§ 45. That no person shall sell, or deliver, or have for sale or otherwise, in the city of Brooklyn, any milk from cows or other animals, without a permit therefor, in writing, from this board. No person shall have at any place where milk, butter or cheese is kept for sale, nor shall at any place sell, or deliver, or offer, or have for sale, or keep for use, nor shall any person bring or send to said city any unwholesome, skimmed, watered or adulterated milk, or

No swill milk to be sold.

milk known as "swill milk," or milk from cows or other animals that, for the most part have been kept in stables, or that have been fed in whole or in part on swill, or milk from sick or diseased cows or other animals, or any butter or cheese made from any such milk, or any unwholesome butter or cheese. Nor shall any person sell or deliver, nor have for sale, nor keep in said city, any milk of a less specific gravity than 1029 (distilled water being 1000), at a temperature of 60 degrees Fahrenheit.

No vegetable or mineral substance to be thrown into waste pipe or reservoir.

§ 46. That no person shall throw, or allow to run or pass into any public reservoir, water-pipe, or aqueduct, or into or upon any border or margin thereof, or excavation or stream therewith connected, any animal, vegetable, or mineral substance whatever; nor shall any person allow the same to be done (having power or right to prevent the same); nor shall any person do or permit to be done (having right or power to prevent the same), any act or thing that will impair or imperil the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of said city; nor shall any person bathe (nor, except in the discharge of a public duty, put) any part of his person into such water, nor shall any unauthorized person open any erection or unscrew any hydrant holding such water.

Duty of every person to preserve purity

§ 47. That it shall be the duty of every person, officer, department and board, having any authority and control in

regard to any water designed for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water. and wholesomeness of water.

§ 48. That no person shall destroy, nor in anywise injure or impair any drinking-hydrant, or part thereof, in the said city; nor shall any person interfere with the use of or enjoyment of the water therein, or therefrom, or interrupt the flow thereof, for, or as a drink; nor shall any person put any dirty, poisonous, medicinal, or any noxious substance into or near said water or hydrant whereby such water is made or may be regarded as dangerous or unwholesome as a drink. No person to destroy or put any dirty, etc., substance into any hydrant.

CATTLE, HORSES, ETC.

§ 49. That no cattle, sheep, horse, goat, goose or mule, or any dangerous or offensive animal, shall be allowed by any owner, or by any person having charge of, or who shall have charge of, the same, to go at large in any street or public place in the city of Brooklyn. And no pigs, swine or cattle shall be unloaded from any cars upon any street or public place in the city of Brooklyn, except pursuant to a written permit from this board. No cattle, etc., to go at large, or to be unloaded from cars.

§ 50. That no person shall allow any pig, swine or goat to run at large in said city, and no person shall, within the limits of said city, keep, or permit to be kept, any pig, swine or goat, without a permit to do so from this board. No swine, etc., to be allowed to go at large, or to be kept within built-up portion of city.

§ 51. That no cattle shall be kept in any place of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and wholesomeness of food. No cattle to be kept in unwholesome place.

§ 52. That no person shall keep, or allow to be kept, in any building, or any premises, or on grounds of which he may be the owner, lessee, tenant or occupant, more cows or other cattle than at the rate of fifteen to an acre, or, on an average, one to a city lot (in or near the built-up portions of said city), without a permit from this board. And every such person shall cause every stable and place where any cows, horses or other animals may be, to be kept at all times in a clean and wholesome condition, and shall not allow any animal to be therein, while infected with any disease, contagious or pestilential, among such animals, without a permit from this board. Number of cows to be allowed to an acre. All stables, etc., to be kept wholesome.

§ 53. That no cattle, swine, pigs or sheep, geese, goats No swine, etc.,

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to be kept within built-up portion of city without permit.

or horses, shall be yarded within or adjacent to the built-up portions of the city of Brooklyn, without the permit of this board, or otherwise than according to its regulations.

How cattle to be transported.

§ 54. That no cattle shall be placed or carried while bound or tied by their legs, or bound down by their necks, in any vehicle, in said city, but shall be allowed freely to stand in such vehicle when transported, and while being therein.

SLAUGHTERING AND SLAUGHTER HOUSES.

How cattle to be kept and slaughtered.

§ 55. That the keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowl, shall be in that manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food. The slaughtering of cattle shall not be permitted or conducted at any place in the city of Brooklyn, without a special written permit from this board.

Cattle not to be slaughtered within built-up portion of city.

Butchers, etc., shall keep yards clean, and woodwork whitewashed.

§ 56. That every butcher and every person owning, leasing or occupying any place, room or building where any cattle have been, or are killed or dressed, and every person being the owner, lessee or occupant of any room or stable where any cattle may be kept, or market, public or private, and, having power and authority so to do, shall cause such place, room, building, stall (and market, being private), and their yards and appurtenances to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or offensive matter to be therefrom removed at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to; and shall, also, at all times (unless some public authority prevents), keep all woodwork, save floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed.

Cattle shall not be slaughtered within any street or public alley.

§ 57. That no cattle shall be slaughtered, dressed or hung, or the meat, or any part thereof, within said city, wholly or partly within any street, avenue or sidewalk, or public alley or place; nor shall any blood, or dirty water, or other substance from such cattle, meat or place of killing, or the appurtenances thereof, be allowed to run, fall, or to be, in any such street, avenue, sidewalk, alley or place.

No building occupied as slaughter-house or building on same lot, shall be occupied as

§ 58. That no building occupied wholly or partly as a slaughter-house, or any part thereof, or any building on the same lot, shall, without a special permit from this board, be occupied for a dwelling or lodging place; that

every such building shall at all times be kept adequately and thoroughly ventilated; that no blood shall be allowed to remain therein over night; that adequate underground connections shall be made from every such building with a public sewer, and the floor of such building on which the slaughtering is done, and the yard, shall be cemented and paved so as not to absorb blood, and so as to carry all liquid into the sewers.

dwelling without permit.

Underground connections to be made.

§ 59. That neither the business of slaughtering cattle, nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place within the city of Brooklyn, except pursuant to a permit from this board; nor shall any person or corporation keep any slaughter-house or yard, or any cattle therein, hereafter, without a permit from this board.

No slaughter-house to be kept without permit.

§ 60. That no person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious, or offensive substance.

No animal, etc., to be killed near noxious substance.

§ 61. That no person shall become or continue, or engage as, or in the business of, a butcher, at or in any public or private market or stand in the city of Brooklyn, without a permit therefor from this board.

No person to become butcher without permit.

§ 62. That every butcher and milk dealer, and their agents, shall allow the parties authorized by this board, to freely and fully inspect their cattle and meats, fish and vegetables, held, offered, or intended for sale, and will be expected to answer all reasonable and proper questions asked by such persons relative to the condition thereof, and of the places where such articles may be.

Every butcher, etc., to allow stock to be inspected, etc.

§ 63. That no offal or butcher's refuse shall be conveyed through any street or avenue of the city of Brooklyn between the hours of 10 o'clock A. M. and 10 o'clock P. M., and that no offal or refuse shall be conveyed at any time unless the same be in tight boxes, barrels or vessels, from which no odor shall escape.

No butcher's refuse to be conveyed through any street, between certain hours.

SIDEWALKS.

§ 64. That no person engaged in the selling or keeping for sale of any fish, meat, birds, fowl or vegetables, shall, without a permit from this board, expose the same upon any portion of any street or sidewalk, or public place in the city of Brooklyn.

No person to sell fish, etc., on street without permit.

§ 65. That no person being owner, lessee or tenant of

No person to

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allow liquid to run across or accumulate on street.

any house or building, shall allow any water or other liquid to run from or out of his building or ground upon or across any sidewalk or curbstone, and if such substance is allowed by this board to pass upon any street it must reach the same by a passage, to be kept at all times adequate and in repair by such person, under such flagstone or through such curbstone; and no such water or other liquid, or ice therefrom, shall be allowed to gather or remain on the upper surface of such curb, flagstone or passage; nor shall such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall, at all times, cause the same to be removed, or to pass along the gutter or some proper passage to one of the rivers, or into a sewer.

Owners, etc., to remove snow, ice, etc., from sidewalks.

§ 66. That every owner, lessee, tenant and occupant of any building or lot in the built-up portions of the city of Brooklyn, shall, within two hours after the fall of any snow exceeding one inch in depth, and within two hours after the forming of any ice on the sidewalk or in the gutter, in front of or against the side of any such building or lot, remove, or cause the same to be removed, from such sidewalk and gutter, or in case of great difficulty in removing such ice, that every such person do sprinkle or cause to be sprinkled thereon sand or ashes, so that traveling thereon shall not be perilous; but that where said snow falls or ice forms between the hours of eight o'clock of the evening and daylight in the morning, this ordinance will be complied with by removing or sprinkling the same with sand or ashes within two hours after the sunrise succeeding the fall of such snow or the formation of such ice.

No pound to be allowed to become dangerous to health.

§ 67. That no keeper of any public pound in the city of Brooklyn shall allow the same, or any animal therein, by reason of any want of care, food, ventilation or cleanliness, or otherwise, to be or become dangerous or detrimental to human health.

DOGS, ETC.

No dogs to be allowed in streets, at certain times, unless properly muzzled.

§ 68. That no person shall take or call any dog into, or allow any dog to go into any street or public place in the city of Brooklyn, between the fifteenth day of June and the fifteenth day of September in any year, unless properly muzzled, and nothing in this section shall repeal or supersede any existing regulations as to such dogs, not inconsistent herewith.

Animals having hydrophobia to be killed.

§ 69. That every animal which is mad, or has the hydrophobia, or shows symptoms thereof, shall, by the person owning the same, or having the possession, charge or control

thereof, be at once killed; and every animal that has been exposed to such disease, shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease and so as to avoid all danger to life or health. And the dead body of any animal that died of such disease shall be at once, by such person, buried not less than three feet under ground, at some place not within one thousand feet of any residence.

Animals exposed to hydrophobia to be securely confined.

How dead bodies shall be buried.

OFFENSIVE ODORS AND LIQUID.

§ 70. That no person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice to life or health, whether for use in any trade or otherwise; and no establishment or place of business for tanning, skinning or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started or established in the city of Brooklyn without a permit from this board. And every such establishment now existing shall be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive or prejudicial to life or health.

No person to allow offensive water to be permitted on his premises.

No offensive business to be opened without permit.

Such establishments to be kept clean.

§ 71. That no person or company being a manufacturer of gas, or engaged about the manufacture thereof, shall throw or deposit or allow to run or having the right or power to prevent the same, shall permit to be thrown or deposited in any public waters, river or stream, or into any sewer therewith connected, or into any street or public place, any gas-tar, or any refuse matter of or from any gas-house, works or manufactory; nor shall any such person or company allow any substance or odor to escape from such house, works or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom, or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use the most approved, or all reasonable means, for preventing the escape of odors.

Gas companies not to allow refuse matter to run into streets, etc.

Offensive odors not to be allowed to escape from gas house.

Proper means to be used to prevent escape of odor.

§ 72. That no water-closet, sink, tub, vat or other structure shall hereafter be constructed within the city of Brooklyn, having connection with, or by any sewer or underground passage, unless the same is provided with adequate or the best generally approved constructions and precautions for preventing gases and other offensive currents, substances and smells from passing up or out through such connection from such sewer or passage; nor shall any such water-closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

Water-closets to have adequate construction for preventing the escape of offensive smells.

Proper ventilation to be provided.

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No offal boiling, etc., to be allowed without permit.

§ 73. That no person shall boil any offal, swill, bones or fat in the built-up portions of said city, save in ordinary cooking; nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, fat boiling, gut cleaning, nor the skinning or making of glue from any dead animals or parts thereof, nor any other occupation that is dangerous or detrimental to life or health, be hereafter established within said city; and no business or pursuit of the kind in this section named shall be carried on anywhere in said city, unless the same be allowed by a permit of this board.

No offal boiling, etc., to be allowed without permit.

§ 74. That no person shall boil any offal, swill or bones, nor any fat, tallow or lard (except at once upon the same being taken from the animal, and while the same is fresh and otherwise inoffensive;) nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, gut cleaning, nor the skinning of or making of glue from any dead animal or part thereof, nor the storage or keeping of scrap, fat or grease, or offensive animal matter, be permitted or conducted at any place in the city of Brooklyn; nor shall any business hereinbefore mentioned be conducted at any place in the city of Brooklyn, without a special permit from this board; nor shall the business of boiling or rendering the fresh lard fat, or tallow aforesaid, be conducted within said city, without a like special permit from this board; and such permit must be applied for in writing, specifying the nature and precise location of the proposed business, and such application will not be acted upon until the second regular meeting, two weeks after such application.

How applications for permits shall be made.

Residuum from fat boiling to be rendered inoffensive.

§ 75. That all persons engaged in the business of boiling or rendering of fat, lard or animal matter, shall cause the scrap or residuum to be so dried or otherwise prepared as effectually to deprive such material of all offensive odors, and to preserve the same entirely inoffensive immediately after the removal thereof from the receptacles in which the rendering process may be conducted.

No varnish factory, etc., to be erected without permit.

§ 76. That no person shall hereafter erect, start or establish in said city, without the consent of this board, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine or tar, or for conducting any other business that will or does generate any unwholesome, offensive or deleterious gas, smoke, deposit or exhalation, or any business that is or would be dangerous to life or detrimental to health.

§ 77. That no animal or vegetable substance, nor street sweepings, muck or silt, nor dirt gathered in cleaning yards, buildings, docks or slips, nor waste of mills or factories, nor any materials which are offensive, or tend by decay to become putrid, or to render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, dock, wharf or pier, in or adjacent to the built-up portions of said city, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from this board.

No animal substance to be deposited on vacant lots, etc., without permit.

§ 78. That no ground or material filled with offensive matter or substance, or that will emit or allow to arise, through or from the same any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of said city,) be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, except according to permit first therefor obtained from this board.

No ground filled with offensive material to be opened at certain times without permit.

§ 79. That no fat, tallow or lard shall be melted or rendered except when fresh from the slaughtered animal, and taken directly from the place of slaughter in the city of Brooklyn, and in a condition free from sourness and taint, and all other cause of offense at the time of rendering, and that all melting and rendering are to be in steam-tight vessels, the gases and odors therefrom to be destroyed by combustion or other means equally effective, and according to the best and most improved means and processes; and every thing preceding, following and in connection with such melting and rendering, and the premises where the same shall be conducted, must be free from all offensive odor, and other cause of detriment to the public health. No fat, lard or tallow shall be brought into the city of Brooklyn to be rendered or melted, and none is to be rendered or melted that has come from any place outside of said city, except as part of the living animal.

No fat, unless fresh, to be melted.

All melting to be in steam tight vessels.

Odors to be destroyed.

No fat to be brought into city to be rendered.

FILTH—DIRT.

§ 80. That no part of the contents of, or substances from any sink, privy or cesspool, nor any manure, ashes, garbage, offal, rubbish, dirt, nor any refuse or waste or thing which by its decomposition could or would become offensive to humam beings, or detrimental to health, or create or tend to create a nuisance, shall be by any person, thrown, deposited or placed upon any street or public place nor upon any vacant lot of land or vacant place upon the surface of any lot of land, within the city of Brooklyn whether such lot be inclosed or otherwise, with-

Contents of privy, or waste and refuse not to be thrown into streets or vacant lots.

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out the written permission of the board of health, nor shall any of said substances be allowed by any person to run or drop from the premises occupied by such person into or upon any street or public place nor upon any vacant lot of land, or vacant place upon the surface of any lot of land in said city nor shall the same be thrown, deposited or placed by any person nor allowed to fall or run from the premises occupied by such person into the East River, or any canal, save through the proper underground connection; and it shall be the duty of every person, knowing of the violation of this ordinance, to report the same and if known the name of the person violating it, together with the residence of such person and the facts concerning such violation, to the board of health within forty-eight hours after the knowledge of such violation.

Nor into east river or any canal.

No swill, etc., to be allowed to run upon street.

§ 81. That no swill, brine, urine of animals or other offensive animal substance, nor any stinking, noxious liquid or other filthy matter of any kind, shall by any person be allowed to run or fall from out of any building, vehicle, or erection into or upon any street or public place, or be taken or put therein, save as herein elsewhere provided.

No butcher's offal, etc., to be thrown on street, etc.

§ 82. That no butcher's offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter shall be thrown by any person, or allowed to go into any street, place, sewer or receiving basin, or into any river or standing or running water or excavation, or upon any ground or premises in the built-up portions of said city.

Contents of privies not to be drawn off into any street.

§ 83. That no person shall draw off, or allow to run off into any ground, street, or place of said city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant of any building to which any vault, sink, privy, or cesspool shall appertain, or be attached, permit the contents, or any part thereof, to flow therefrom, or to rise within two feet of any part of the top, or said contents to become offensive; nor shall any privy, or other erection in this section mentioned, be filled with or covered with dirt till its filthy contents shall be emptied.

Contents not to be allowed to rise within two feet of top.

Privies not to be filled with dirt until filthy contents removed.

No offal to be deposited into any sink, etc.

§ 84. That no person shall throw into, or deposit in any vault, sink, privy or cesspool, any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle; nor shall any slops or kitchen waste be permitted to run into any privy or cesspool, except the same be connected with the sewer.

Contents of

§ 85. That neither the contents of any such tub, or of any

receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor anything in any room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to health.

tubs, etc., not to be allowed to become a nuisance.

§ 86. That every tub or other receptacle in any necessary house, sink, or privy (or placed, or allowed to stand therein, by any owner, tenant, or occupant of any building, or premises), and used to contain any liquid or partially liquid substance, shall be sufficiently strong, perfectly tight, and adequately provided with a strong cover and with hoops and handles; shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed (or its contents) to be offensive. And the provisions of this code relative to emptying cesspools, and to throwing any substance therein, shall apply to said tubs and receptacles as if here repeated and applied thereto.

How receptacles for liquid substances shall be constructed.

Provisions as to cesspools shall apply to tubs, etc.

And no person shall throw, drop, or allow to fall into the East River, any canal, or into any street or place, any substance being, or having been part of, the contents of any such vault, cesspool, privy, sink, tub or receptacle, or any offal.

Contents of vaults, etc., not to be dropped into East River.

§ 87. That no person shall deposit upon any street or public place within the generally built-up portion of the city of Brooklyn, or upon any paved street, any dirt or brick, or other material or dirt taken from any ground therein, in such manner as to obstruct the free flowage along any gutter.

No dirt, brick, or other material to obstruct free flowage along gutter.

§ 88. That it shall be the duty of every owner, tenant, lessee, and occupant of any and every building or place of business in the generally built-up portions of the city of Brooklyn, forthwith to provide, or cause to be provided, and all times thereafter to keep, and be kept and provided, within such building or place of business, suitable and sufficient boxes, barrels or tubs for receiving and holding, without leakage, and without being filled to within four inches of the top thereof, all the ashes, rubbish, garbage and liquid substances, of whatever kind, that may accumulate during thirty-six hours from said building or place of business, or the portion thereof of which such person may be the owner, tenant, lessee or occupant; and every such box, barrel and tub designed to hold ashes shall be made of or lined with some suitable metal. That a separate vessel shall be provided for ashes and rubbish, and another for garbage, and liquid substances; and ashes and rubbish shall not be placed or kept in the same vessel with garbage and liquid substances; and all ashes, rubbish, garbage and liquid substances that should be removed from such building and place of

Sufficient receptacles for ashes and rubbish to be provided for every building, etc.

Every tub to be lined with suitable metal.

Separate vessels for ashes and garbage to be provided.

CHAPTER IV. business, or from that part for which said receptacles were provided, and none other (without the proper consent) shall be placed therein, and no such box, barrel or tub shall remain on any sidewalk, or in any public place, longer than may be needful for the removal of the contents thereof.

No box, etc., to remain on sidewalk longer than necessary.

Boxes, etc., to be placed as inspectors, etc., direct.

No person to interfere with contents.

§ 89. That such boxes, tubs and barrels shall be placed and kept in such position (unless kept within or upon private grounds, within the sidewalks) as the inspectors or agents of this board shall provide or direct; and no person, not for that purpose authorized, shall interfere therewith or with the contents thereof.

Occupants may deliver ashes, etc., direct to proper carts.

Provided such garbage be not offensive.

§ 90. That all occupants, so preferring, may deliver their ashes, garbage and rubbish directly to the proper carts, to be taken away at any hour of the day when said carts may be present; and said carts may take such articles from receptacles delivered at any such hour; provided that such garbage or rubbish be not highly filthy or offensive; and in the latter case, the same shall not be so delivered or received during the period from seven o'clock A. M. of any day till ten o'clock of the evening of the same day.

No lime to be sieved.

No mats shaken in streets.

No business to be conducted where particles therefrom shall pass into street.

Precaution to be observed in building, etc.

§ 91. That no lime, ashes, coal, dry sand, hair, feathers or other substance that is in a similar manner liable to be blown by the wind, shall be sieved, or agitated, or exposed, nor shall any mat, carpet or cloth be shaken or beaten, nor any cloth, yarn, garment or material, or substance, be scoured, cleaned or hung, nor any business be conducted over or in any street or public place, or where it, or particles therefrom, or set in motion thereby, will pass into any such street or public place, or into any occupied premises. That neither any usual nor any reasonable precaution shall be omitted by any person to prevent fragments or other substances from falling, to the peril of life, or dust and light material flying into any street, place or building, from any building or erection, while the same is being altered, repaired or demolished, or otherwise.

Stable manure to be removed.

§ 92. That every owner, lessee, tenant and occupant of any stall, stable or apartment in which any horse, cattle or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animals shall collect or accumulate, within the built-up portion of said city, shall cause said liquid or manure to be at once removed to some proper place, and shall at all times keep or cause to be kept such stalls, stables and apartments, and the drainage, yard and appurtenances thereof in a cleanly and wholesome condition, so that no offensive smell shall be allowed to escape therefrom; and when within three hun-

dred feet of any occupied dwelling-house, or of any manufactory where more than five persons are employed, the removals from the stable shall not be made, nor shall the manure or refuse from the stable be allowed to remain on any street or place near such stable, any time between eight o'clock A. M. and six o'clock P. M., without a permit from this board. Every such stall, stable or apartment where horses or cattle are kept, shall have a properly covered water-tight manure vault or box, which shall not be allowed to become filled. But the sanitary superintendent is authorized to issue permits, to be regularly reported to this board, regulating such removal within said hours.

Removal in certain cases must be made within certain hours.

Every stable, etc., to have vault of not less than 64 cubic feet capacity.

Permits.

§ 93. That no person shall empty, or attempt to empty, any vault, sink, privy, or cesspool in the city of Brooklyn, except pursuant to a permit therefor first received from this board.

No vaults, etc., to be emptied without permit.

§ 94. That no part of the contents of any privy, vault, sink, cesspool, except substances other than excrements insoluble in water, or any accumulation of any offensive fluid, liquid, or semi-liquid substance or material, being in any excavation, cellar, or place, within the limits of the city of Brooklyn, shall be removed therefrom, nor shall the same be transported through any of the streets or avenues of said city, unless and except the same shall be removed and transported by means of an air-tight apparatus, or in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom, and by a permit from this board.

Contents of privies not to be removed at certain times unless in certain apparatus.

§ 95. That the drivers of all carts for the removal of any garbage, offal, rubbish, or dirt from any building or premises, shall give adequate notice to those dwelling in any street whose buildings or premises such cart is about to or should approach for the removal of any substance aforesaid.

Driver of offal cart to give notice, etc.

§ 96. That no person shall engage in the business of a scavenger, or of transporting manure, swill, ashes, offal, rubbish or garbage, or any offensive or noxious substance, or in driving any cart for such purpose, in the city of Brooklyn (except the persons acting under the street-cleaning commissioners, or the contractors for cleaning the streets, and as this board may provide), until he shall have first received a permit from this board of such form and effect as the regulations of the board shall provide, authorizing such person so to engage.

No person to engage in business of scavenger without permit.

§ 97. That every cart and other vehicle hereafter con-

Carts, etc., to

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be constructed according to regulations.

structed for or engaged about any business, or intended to be loaded with any matter or substance, in the last section mentioned, shall be constructed according to this code, and to the regulations and orders of the board of health.

Carts used in removing garbage, etc., not to occupy unreasonable time in loading.

§ 98. That no cart or other vehicle for carrying any offal, swill, garbage, or rubbish, or the contents of any privy, vault, cesspool or sink, or having upon it or in anything on such cart any manure, or other nauseous or offensive substance, shall, without necessity therefor, stand or remain, nor shall a needless number gather before or near any building, place of business, or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground; nor shall any such cart or vehicle, or the driver thereof, or anything thereto appertaining, be (or by any person having a right to control the same, be allowed to be) in a condition needlessly filthy or offensive; and when not in use, all such carts, vehicles, and all implements used in connection therewith, shall be stored and kept in some place where no needless offense shall be given to any of the people of said city.

Carts and boxes to be strong and tight, and not spill contents.

§ 99. That all carts and vehicles in the last section mentioned, and boxes, tubs, and receptacles thereon, in which any substance in said section referred to may be or be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak, or spill therefrom; and that when, in opinion of this board, it is necessary to prevent the contents of such carts or vehicles, tubs or boxes, or receptacles from being offensive, each of such carts, tubs, and boxes and receptacles shall be adequately and tightly covered, as the orders or regulations of this board may provide or direct.

Emptying privies to be carefully conducted.

§ 100. That no driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor any person or persons engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cesspool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building, or premises, and all carts or vehicles shall be thoroughly disinfected and put in an inoffensive condition when not in use.

Liquid manure not to escape from carts.

§ 101. That no person shall allow (and it shall be the duty of every contractor and person who has ordered or procured, or is having any of the following articles carried, or who is driving the same, to prevent) any cart or vehicle to be so fully loaded, or being in such bad condition of repair, or of such faulty construction, or being so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt, or material thereon, shall fall upon or in any place, street, or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove what has so fallen.

Contents of privies to be disinfected before removed.

§ 102. That all putrid or offensive matter, and all night-soil, and the contents of sinks, privies, vaults and cesspools, and all noxious substances in the built-up portion of said city, shall before their removal or exposure, be disinfected and rendered inoffensive by the owner, lessee, or occupant of the premises where the same may be, or (in default of the same being so done) by the person or contractor who removes or is about to remove the same; and for all such matter so disinfected and rendered inoffensive, the person (not being such tenant, owner, or occupant) who shall so disinfect and remove the same, shall be entitled to demand and receive a compensation to be fixed by the board of health, not exceeding twelve cents per cubic foot for making such disinfection and removal, to be paid by such tenant, owner or occupant.

Privies not to be emptied without permit.

§ 103. That neither the owner, tenant, nor occupant of any building or premises, in the built-up portions of the city of Brooklyn, shall employ, cause, or permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control) to be removed, unless according to a permit or the regulations of the said board.

Accumulations of manure not to be allowed.

§ 104. That no pile or deposit of manure, offal, dirt or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within the built-up portions of the city of Brooklyn, or upon any open space inclosed within any portions thereof, or upon the piers, docks, or bulk-heads adjacent thereto, or upon any open grounds near (or upon any vessel or scow other than those to be speedily, and according to the duty of any person, removed, lying at) any such pier, wharf, or bulkhead, except according to a resolution of this board especially authorizing the same, and a permit obtained from this board, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay, or other substance which has been used as bedding for animals,

Straw used as bedding not to be dried on sidewalks.

CHAPTER IV. be placed or dried upon any street or sidewalk, or roof of any building; nor shall any such straw, hay, or other substance be deposited, nor shall accumulation thereof be made, within two hundred feet of any street, without a permit from this board.

Manure not to be accumulated.

§ 105. That no pile or deposit of manure, offal, or garbage, nor accumulation of any offensive or nauseous substance, shall be made within the limit of said city; nor shall any person or corporation unload, discharge, or put upon or along the line of any railroad, street, or highway, or public place within said city, any manure, offal, garbage, or other offensive or nauseous substance; nor shall cars or flats loaded with or having in or upon them any such substance or substances be allowed to remain or stand on or along any railroad, street, or highway within the limits of said city within three hundred feet of any inhabited dwelling. All manure vaults, attached to stables where more than two horses are kept, shall, between April and November in each year, be emptied twice in each week, and such vault shall in no case be permitted to become a nuisance.

Manure, etc., not to be turned.

§ 106. That no manure, garbage, or other material that is liable to emit an offensive exhalation, shall, in or adjacent to the built-up portions of the city of Brooklyn, be turned or stirred (except about its removal), in such way as to be liable, by reason thereof, to increase such exhalations.

Oyster saloon keepers to remove shells daily.

§ 107. That every proprietor, lessee, tenant, and occupant of any oyster-house, oyster-saloon, or other premises where any oysters, clams, lobsters, or shell, or other fish are consumed, used or sold, or where any of the refuse matter, offal or shells thereof accumulate, shall daily cause all such shells, offal and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon and premises at all times free from any offensive smells or accumulations.

Hotel garbage not to be removed except in certain casks.

§ 108. That no hotel or house swill or garbage, or offensive material of a liquid nature, or partly liquid nature, not removed or required to be moved by the contractors for street cleaning, shall be transported through or along any street in the city of Brooklyn, except in tightly-covered and bound casks or boxes, and none of the contents of such casks or boxes shall be allowed to fall, or leak, or spill therefrom.

Ashes of blacksmith shops, etc.

§ 109. That the owners, lessees, tenants and managers of every blacksmith or other shop, forge, coal-yard, foun-

dry, manufactory and premises where any business is done, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas or offensive odor be allowed to escape from any such building, place or premises to the detriment or annoyance of any person not being therein or thereupon engaged.

How to be removed, etc.

§ 110. That every furnace employed in the working of engines by steam, or in any mill, factory, printing-house, dye-factory, iron-foundry, glass house, distillery, brew-house, sugar-refinery, bake-house, gas-works, or in any other buildings used for the purpose of trade or manufacture, shall be so constructed as to consume or burn the smoke arising therefrom, unless a permit to the contrary be obtained from this board.

Furnaces to be constructed so as to consume their own smoke.

§ 111. That no vault, privy, sink, cistern or cesspool shall hereafter be made or rebuilt in the city of Broooklyn, except in accordance with the regulations of this board; and no privy shall be built within two feet of the line of any lot.

Privies to be built according to regulations, and pursuant to permit.

DISEASED ANIMALS.

§ 112. That no diseased or sickly horse, cattle, swine, sheep, dog, or cat, or other animals, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the city of Brooklyn.

Animals having contagious diseases not to be brought into city.

§ 113. That no person shall keep, retain, or allow or employ to be kept or retained, at any place within or adjacent to the built-up portions of the city of Brooklyn, any horse, ass or colt, having the disease known as glanders or farcy.

No person to retain horse having glanders

DEAD, SICK AND INJURED ANIMALS.

§ 114. That no person shall leave in or throw into any place or street, or public water, or offensively expose or bury the body (or any part thereof) of any dead or fatally sick or injured animal; nor shall any person keep any dead animal, or any offensive meat, bird, fowl or fish in a place where the same may be dangerous to the life, or detrimental to the health of any person.

Bodies of dead animals not to be thrown into public streets.

§ 115. That any animal, being in any street or public place, within or adjacent to the built-up portions of Brooklyn city, and appearing in the estimation of any officer or inspector of this board (and of two discreet citizens, called

Injured or diseased animals—how disposed of

CHAPTER IV. by such officer or inspector to view the same in his presence) injured or diseased past recovery for any useful purpose, and not being attended and properly cared for by the owner, or some proper person to have charge thereof for the owner; or not having been removed to some private premises, or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner or proper person, be treated as any other animal found on a street or place.

Dead animals to be removed.

§ 116. That any person having a dead animal, or an animal past recovery, and not killed for and proper for use as meat or fish, or in an offensive condition, or sick with an infectious or contagious disease, on his premises, in said city, and every person whose animal, or any animal in his charge, or under his control, in any street or place, may die, or become, or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place; and when such place may be designated by this board, to the place so designated.

Notice of dead animals to be given.

§ 117. That every person having within his possession or control, or upon any premises occupied or owned by him, any dead animal not proper for food and liable to become noxious and detrimental to health, shall at once give notice thereof to the officer in charge of the nearest police station, and such officer shall at once cause notice thereof to be given to this board.

Treatment of sick or injured animals in streets.

§ 118. That no person other than the inspectors or officers of this board, or the board of police, or persons thereto authorized, shall in any way interfere with such dead, sick or injured animal in any street or place, and no person shall skin or wound such animal in such street or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a policeman, or an inspector or officer of this board.

Offal docks not to be obstructed.

§ 119. That no person shall obstruct, delay or interfere with the proper and free use, for the purposes for which they may be, and should be, set apart and devoted, of any dock, pier or bulkhead, set apart for the use of any contractor, or person engaged in removing any offal, garbage, rubbish, dirt, dead animals, night-soil, or other like substances, or with the proper performance of such contracts.

Offal and street contractors to act promptly.

§ 120. That it shall be the duty of every contractor and person (his agents and employees) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings, night-soil, or other filthy, offensive or noxious substance, or is engaged about any such removal, or in loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and little offensive, and with as little danger and prejudice to life and health as possible.

Street dirt not to be left in heaps.

§ 121. That no street sweepings or other noxious material shall lay piled up, or partially raked together, in any street or place before the removal thereof, more than a reasonable time, nor for more than four hours in the daytime under any circumstances.

Vessels not to go to offal dock.

§ 122. That no ship, boat or other vessel or article, shall be taken or allowed by any person to come into or lay to or at or within any dock, pier, bulkhead, or slip (or be placed thereon,) set apart or appropriated for the use or purpose of the shipment or removal of any offal, garbage, rubbish, dirt, or dead animals, or for the use of any contractor about the removal of any of the foregoing substances, without a permit from this board.

REPORTS AS TO CONTAGIOUS AND INFECTIOUS DISEASES.

Physicians to report persons sick with contagious disease.

§ 123. That every physician shall report to the sanitary bureau, in writing, every person having a contagious disease (and the state of his or her disease, and his or her place of dwelling and name, if known) which such physician has prescribed for or attended for the first time since having a contagious disease, during any part of the preceding twenty-four hours; but not more than two reports shall be required in one week concerning the same person; but every attending or practising physician thereat, must, at his peril, see that such report is or has been made by some attending physician.

Physicians to report deaths of patients from contagious disease.

§ 124. That it shall be the duty of each and every practising physician in the city of Brooklyn to report, in writing, to the board of health, the death of any of his patients who shall have died in said city, of contagious or infectious disease, within twenty-four hours thereafter, and to state in such report the specific name and type of such disease.

Hotel keepers to report persons sick of contagious disease.

§ 125. That every keeper of any boarding-house or lodging-house, and every inn-keeper and hotel-keeper, shall, within twenty-four hours, report in writing to the sanitary bureau, the same particulars in the last section required of any physician concerning any person being at any of the

CHAPTER IV. aforesaid houses or hotels, and attacked with any contagious disease.

Commissioners, etc., of public institutions to report persons sick of contagious diseases.

§ 126. That the commissioners, managers, principals, or other proper head officer of each and every public or private institution in said city shall twice in each week report in writing (or cause such report by some proper and competent person to be made twice in each week) to the sanitary bureau, and state therein the name, if known, and condition, and disease, of any and every person being thereat, and sick of any contagious disease.

Masters of vessels to report persons sick of contagious diseases.

§ 127. That the master, chief-officer and consignee, or one of them, of every vessel, not being in quarantine, or within quarantine limits, but being within one-fourth of a mile of any dock, wharf, pier or building, of said city, shall daily report to the sanitary bureau, or cause to be reported, in writing, the particulars, and shall therein state the name, disease and condition of any person being in or on such vessel, and sick of any contagious disease.

Duty to report persons sick of contagious diseases.

§ 128. That it shall be the duty of every person knowing of any individual in said city sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for, and to avoid giving said disease to others), and the duty of every physician hearing of any such sick person, who he shall have reason to think requires the attention of this board, to at once report the facts to the sanitary bureau, in regard to the disease, condition and dwelling-place, or position, of such sick person.

Boarding and lodging house keepers to report sick persons.

§ 129. That the keepers, lessees, tenants and owners of every boarding-house and lodging-house shall within six hours after the fact shall come to his or her or their knowledge, notify the sanitary bureau, in writing, of the fact of any sea-faring man or person, lately from any vessel, being taken sick at such house, and shall, in such notice, state where such sick person may be found, and from what vessel, and when he came, to the best of the knowledge of the person or persons giving such notice.

Masters of vessels arriving at docks of city to report.

§ 130. That every master and chief officer of any vessel, and every physician of, or who practiced on, any vessel which shall arrive at any dock or wharf in the city of Brooklyn, from any other port, shall at once report to this board any facts connected with any person or thing on said vessel, or that came thereon, which he has reason to think may endanger the public health of this city; and he shall report the facts as to any person being or having been sick there-

on of a contagious disease, and as to there being, or having been during the voyage or since her arrival, any infected person or articles thereon. CHAPTER IV.

§ 131. That every master, charterer, owner, part-owner and consignee of any vessel or of the cargo thereof which shall be in the water of said city, unless detained in quarantine, shall at once give or cause to be given, to the sanitary superintendent, written notice of any infected article or person, and of every person sick of a contagious disease, being or having within ten days been on board said vessel; and also of each and every fact and thing relative to said vessel, sick person or cargo, or to the crew of such vessel, which any of the first-mentioned persons shall have reason to think may be useful for this board to know, or be or become dangerous or prejudicial to life or health in said city. Notice of persons sick on vessels.

REMOVAL FROM, AND UNLOADING OF VESSELS.

§ 132. That every master, owner, charterer, part-owner, and consignee of any vessel that shall bring any cotton into the city of Brooklyn between the first day of May and the first day of November of each year, shall at once report to this board, or cause to be made, in writing, a report to this board, of the fact of any such cotton being in a dangerous, infected, or unsound condition, or having been exposed to any infection. Cotton to be reported.

§ 133. That no master, charterer, owner, part-owner, or consignee of any vessel, or any other person, shall bring to any dock, pier, wharf or building within one thousand feet thereof, in said city, or unload at any dock, building or pier therein, or have on storage in the built-up portion of said city any skins, hides, rags, or similar articles or materials, having been brought from any foreign country, or any infected place, or from any point south of Norfolk, Virginia, without, or otherwise than according to, a written permit so to do from this board; and no person shall sell, exchange, or in any way make any exposure of any straw, bedding or articles that have been exposed to the contagion or infection of any contagious disease, or have been or are liable to communicate such disease, or have lately been on any emigrant vessel, till after the same have been adequately cleansed or disinfected. Skins arriving not to be unloaded without permit. Straw from emigrant vessels exposed to contagion not to be sold, etc.

§ 134. That no owner, agent or consignee of any vessel or cargo, and no officer of any vessel (in respect of either of which vessel or cargo, a permit, according to any law, ordinance or regulation, shall or should have been obtained to pass quarantine, or to come up to the water-front of the city of Brooklyn), shall unlade or land, or cause to be un- Vessels from quarantine not to unload without permit.

CHAPTER IV. laden or landed, such cargo, or any part thereof, in said city, without having first received the written permit of this board so to do.

Persons sick of contagious diseases not to be removed from vessels.

§ 135. That no captain, officer, consignee, owner or other person in charge of any vessel (or having right and authority to prevent the same) shall remove or aid in removing from any vessel to the shore (save as legally authorized by this board, and into quarantine grounds or building only) any person sick of, or person that has been exposed to and is liable very soon to develope, any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease, except in accordance with a permit of this board, or with its special regulations.

Articles exposed to contagion not to be removed.

Vessels from infected ports not to land without permit.

§ 136. That no master, charterer, consignee, or other person, shall order, bring or allow (having power and authority to prevent) any vessel or person, or article therefrom, from any infected port, nor any vessel, or person, or article therefrom liable to quarantine, according to the ninth section of the three hundred and fifty-eighth chapter of the laws of 1863 (or under any other laws, and whether such quarantine has been made or suffered, or not), to come or be brought to any point nearer than three hundred yards of any dock or pier, or to any building in said city, without or otherwise than according to a permit of this board. Nor shall any vessel, or person or thing therein or therefrom, having been in quarantine, come or be brought within the last named distance of any last-named place, without the permit or assent of this board.

Articles or persons from infected ports not to be brought into the city.

§ 137. That no person shall bring into this city, from any infected place, or land, or take therein, from any vessel lately from any infected port, or from any vessel or building in which had lately been any person sick of a contagious disease, any article or person whatsoever, nor shall any such person land or come into said city without a permit of this board; and it shall be no excuse that such person or article so offending, or the occasion of offense, has passed through quarantine, or has a permit from any other source than this board.

Straw from vessels from certain ports not to be thrown overboard.

§ 138. That no owner, part-owner, charterer, agent or consignee of any vessel, or any other officer or person having charge or control of the same, shall allow to be cast therefrom, and no person shall cast therefrom, into any public waters of the city of Brooklyn, any straw, bedding, clothing, or other substance, from any incoming vessel, from any foreign port, or port south of Cape Henlopen,

without a permit from this board, except as allowed by the quarantine authorities. CHAPTER IV.

HEALTH OFFICER.

§ 139. That the health officer of the port of New York, his assistants and deputies, shall at all times keep this board informed, by weekly written reports, of the number of vessels in quarantine, of the number of persons sick in the floating or other hospitals thereat, and of the diseases with which they are severally afflicted; he and they shall also receive into the floating hospital all cases of yellow fever found in this city and the port aforesaid; he or they shall not send or allow to return to the vicinity of said city, without the permit of the sanitary superintendent, any person, vessel or article which this board has ordered to quarantine. Health officer to make weekly reports of persons sick.

REMOVAL OF SICK PERSONS.

§ 140. That no person shall, within the built-up portions of the city, without a permit from this board, carry or remove from one building to any other, or from any vessel to the shore, any person sick of any contagious disease. Nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof or by a needless exposure of himself, cause or contribute to, or promote, the spread of disease from any such person, or from any dead body. Persons sick of contagious diseases not to be removed or exposed.

VACCINATION.

§ 141. That every person, being the parent or guardian, or having the care, custody, or control of any minor, or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose) cause and procure such minor or individual to be so promptly, frequently, and effectively vaccinated, that such minor or individual shall not take, or be liable to take, the smallpox. Parents to cause children to be vaccinated.

EXPOSURE TO DISEASE.

§ 142. That no parent, master, or custodian of any child or minor (having the power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person, to the taking, or to the infection of, any contagious disease. Parents not to allow children to be exposed to any disease.

CHAPTER IV. DEAD BODIES—INTERMENTS—SEXTONS.

Interments not to be made without permission.

§ 143. That no interment of the dead body of any human being, or deposition thereof in any tomb, vault, or cemetery, shall be made within the city of Brooklyn, without a permit therefor granted by this board, nor otherwise than in accordance therewith, and no sexton or other person shall assist in, or assent to, or allow, any such interment, or aid or assist about preparing any grave or place of deposit for any such body, for which such permit has not been given authorizing the same. And it shall be the duty of every person who shall receive any such permit to preserve and to return the same to this board, as its regulations may require.

New cemeteries not to be established.

§ 144. That no new burying-ground, cemetery, tomb, or vault, for dead human bodies shall be established, nor shall the remains of any dead body be placed in any existing burying-ground, vault, tomb, or cemetery in the city of Brooklyn, nor any of said receptacles be opened, exposed or disturbed, except according to the terms of a permit therefor given by this board; and every body buried in any such place shall be buried to a depth of six feet below the surface of the ground, and four feet below any closely adjacent street.

Graves not to be opened without permit.

Depth of graves

Sextons and undertakers to report names, etc.

§ 145. That every person who acts as a sexton or undertaker in the city of Brooklyn, or has charge or care of any vault, tomb, burying-ground or cemetery for the reception of the dead, or where the bodies of any human beings are deposited, shall cause his or her name and residence, and the nature of his or her charge and duties, to be registered with this board.

Sextons to make returns.

§ 146. That every sexton and other person having charge of any burying-ground, cemetery, tomb, or vault, in the city of Brooklyn, shall, before twelve o'clock of Monday of each week, make return to this board of the bodies and persons buried since their last return, and in such form, and specifying such particulars, as the special regulations of this board shall require.

Bodies not to be removed from city without permits.

§ 147. That no captain, agent, or person having charge of, or attached to, any ferryboat, sailing or other vessel, nor any person in charge of any car, stage or other vehicle, or public or private conveyance, shall convey or allow to be conveyed thereon, or by any means aforesaid, nor shall any person convey or allow to be carried or conveyed, in any manner, from or in the city of Brooklyn, the dead body of any human being, or any part thereof, without a permit

therefor from this board. And the proper coupon for that purpose attached to any such permit, when issued, shall be preserved and returned to this board, as its regulations may require, by the proper officer or person on such boat or vessel, and by the proper person in charge of any train of cars or vehicle on which any such body may be carried from said city; provided however, that the same effect shall be given, under this section, to a burial or transit permit issued by the health officer, or board of health of the city of New York, as to a burial or transit permit issued from this board, when the death of the person named in the permit shall have occurred in the city of New York; and provided that the same effect shall be given under this section to a burial or transit permit issued by the board of health and of vital statistics of Richmond county, as to a burial permit from this department, when the death of a person named in the permit shall have occurred in Richmond county; and provided that the same effect shall be given under this section to a burial or transit permit issued by the board of health, or health officer, of Long Island city, as to a burial or transit permit issued from this board, when the death of the person named in the permit shall have occurred in Long Island city; and provided that the same effect shall be given under this section to a burial or transit permit issued by the board of health, or health officer, of Morrisania, as to a burial or transit permit issued by this board, when the death of the person named in the permit shall have occurred in Morrisania.

Effect to be given to permits from other boards, etc.

§ 148. That no person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

Dead bodies not to be retained unduly.

§ 149. That it shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body, or part thereof, is not publicly known), to immediately communicate to this board the fact of such discovery of such body, the place where, and time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified, or the cause of death ascertained.

Dead bodies to be reported.

§ 150. That no person shall retain or allow to be retained, unburied, the dead body of any human being for a longer time than four days after the death of such person, without a permit from this board, which permit shall specify the length of time during which such body may be retained unburied. This ordinance shall not apply to bodies

Dead bodies not to be retained without permit more than four days.

Not to apply to morgue.

CHAPTER IV. retained in the public Morgue during the time of such detention.

CORONERS.

Coroners to report before holding inquests.

§ 151. It shall be the duty of every coroner, within forty-eight hours after having held an inquest upon any dead body, to file a certificate with the board of health containing the date of said inquest, and, so far as can be ascertained, the name and age of the deceased; where said dead body was found; the occupation of said deceased, when living; the length of time said deceased had resided in the city of Brooklyn, and where, previous to death, and also the verdict of the jurors upon such inquest, said certificate to be signed by the coroner holding such inquest.

MARRIAGES, BIRTHS AND DEATHS.

Clergymen to keep registry of marriage.

§ 152. That every clergyman, magistrate and other person who may perform a marriage ceremony, shall make and keep a registry of the marriage celebrated, and therein enter the full names of the parties married, and the residence, age and condition of each; and every physician, midwife and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward and street number of such birth, and the sex and color of every child born, and the names and residence of each of the parents (so far as the foregoing facts can be ascertained), and every physician and professional adviser who has attended any person during a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place and street number of the place of such death.

Physicians to keep registry of births and deaths.

Copy of registry to be sent to board.

§ 153. That it shall be the duty of every person mentioned in the last section, or required to make or keep any such register, to present to this board a copy of such register, signed by such person, or a written statement, by him signed, of all the facts in said register required to be entered, within five days after the birth or mariage, and within thirty-six hours after the death of any person to whom such registry may or should relate, which shall thereupon be placed on file with this board.

Clerks to make entry of births, deaths and marriages.

§ 154. That every clerk, officer and person within said city, required by the one hundred and fifty-second chapter of the laws of 1847, or by the three hundred and eightieth chapter of the laws of 1864, to make or preserve an entry, registry, record or certificate as to births, deaths or mar-

riages, shall send, or cause to be sent, to this board, within five days after knowledge of the birth, death or marriage, a full and true statement in writing, containing all the particulars in respect thereto (so far as reasonably ascertainable,) which, in any other section hereof, are required to be stated by any person relative to any birth, death or marriage, which shall thereupon be placed on file in said bureau.

Next of kin to report deaths.

§ 155. That every person therein referred to within the city of Brooklyn shall perform the acts required in the following provisions (so far as the same are applicable to said city) of section 13 of chapter 74 of the laws of 1866, to wit:

"It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said district (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to said board in writing, so far as known, the date, ward, and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation, and cause of death, of such deceased person, and the ward and street, and place of such person's death, and last residence."

RAILROAD CARS.

Cars to be thoroughly cleaned.

§ 156. That each and every car used upon any railroad in the city of Brooklyn for the carrying or transportation of passengers shall, on each and every day on which it may be used for the carrying or transportation of passengers, be carefully and thoroughly washed and cleaned, so that all filth and dirt are removed from the inside of said car.

Bundles of soiled clothes not to be carried in cars.

§ 157. That no person shall at any time carry or convey in, or upon, any passenger railroad car, nor shall any conductor or person in charge of any such railroad car, allow to be carried or conveyed in or upon such car except on the front platform, any soiled or dirty articles of clothing or bedding, in baskets or bundles.

TENEMENT HOUSES.

Tenement houses to conform to code.

§ 158. No house, building, or portion thereof, in the city of Brooklyn, shall be used, occupied, leased or rented, for a tenement or lodging-house, unless the same conforms in

CHAPTER IV. its construction and appurtenances to the requirements of this code of ordinances.

Ventilation and windows.

§ 159. Every house, building or portion thereof, in the city of Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by this board.

Ventilator in hall.

Roof to be kept in repair.

§ 160. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on the ground, or causing dampness in the walls, yard, or area.

Water closets or privies.

§ 161. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the board of health, and shall have proper doors, traps, soil-pans, and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot or street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all parts adequate for the purpose, as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the board of health. All such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper

One to every twenty occupants.

To be connected with sewer.

To have traps and water.

means for flushing the same; and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalation therefrom, offensive, dangerous or prejudicial to health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the board of health may direct. It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Obstructions, etc., to be prevented.

Cesspools allowed only when unavoidable.

Yard or area to be connected with sewer or street gutter.

§ 162. It shall not be lawful, without a permit from the board of health, to let, or to continue to be let, or to occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room the use of a water-closet or privy kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with

Cellars not to be used as dwellings unless they conform to code.

Must be drained.

Must have windows, etc.

CHAPTER IV. glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar or room, let or occupied along with a front vault, cellar or room as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this code, if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage communicating with the external air. Provided, always, that in any area adjoining a vault, cellar or underground room there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

When back cellar may be occupied with front one.

No cellar to be occupied for lodging without permit.

§ 163. No vault, cellar or underground room shall be occupied as a place of lodging or sleeping except the same shall be approved, in writing, and a permit given therefor by the board of health.

Garbage boxes.

§ 164. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matter. No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

Combustibles, unhealthy articles and animals not to be kept.

To be kept clean.

§ 165. Every tenement or lodging-house, and every part thereof shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the board of health, so often as shall be required by or in accordance with any regulation or ordinance of said board,

To be cleansed to satisfaction of board of health.

and shall, well and sufficiently, to the satisfaction of the said board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said board shall otherwise direct. Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, or any one having charge of the renting and collecting of the rents for the same.

To be whitewashed twice a year.

Owners' and agents' names posted.

§ 166. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the board of health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement house or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and thereupon said board shall cause the same to be inspected, and may if found necessary cause the same to be immediately cleaned or disinfected at the expense of the owner in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bedclothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, or, in extreme cases, to be destroyed.

Officers of board of health to have access.

Sick persons to be reported.

House may be disinfected.

Bedding, etc., may be destroyed.

§ 167. Whenever it shall be decided by the board of health that any building, or part thereof, is unfit for human habitation by reason of its being so infected with disease as to be likely to cause sickness among the occupants, and notice of such decision shall have been affixed conspicuously on the building or part thereof so decided to be unfit for human habitation, and personally served upon the owner, agent, or lessee, if the same can be found in the state, requiring all persons therein to vacate such building or part thereof, for the reasons to be stated therein, as aforesaid, such building or part thereof shall, within ten days thereafter, be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified.

Buildings infected or unfit for human habitation may be vacated.

§ 168. No house, hereafter erected, shall be used as a tenement house or lodging house, and no house heretofore erected and not now used for such purpose, shall be converted into, used, or leased for a tenement or lodging

No house to be used as a tenement except it conforms to requirements.

CHAPTER IV. house, unless, in addition to the requirements hereinbefore contained, it conforms to requirements contained in the following sections.

Distance between buildings on front and rear of lot.

§ 169. It shall not be lawful hereafter to erect for, or convert to, the purposes of a tenement or lodging-house, a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space, exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet, and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for, or converted to the purposes of, a tenement or lodging-house on back part of any lot, there shall be a clear, open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the board of health.

Buildings on rear of lot.

Height of rooms.

§ 170. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows, shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the board of health may prescribe.

Windows.

Size of windows.

Small rooms to have special ventilation.

Chimneys

§ 171. Every such house hereafter erected or converted shall have adequate chimneys running through every floor,

with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Ridgewood water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls of each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said hall in a manner approved by the board of health.

Ashes and rubbish.

Water.

Cellar floor.

Halls open at ends.

§ 172. A tenement house, within the meaning of these ordinances, shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the home or residence of more than three families living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building, or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Definition of tenements.

Definition of lodging-house.

Definition of cellar.

GENERAL SUBJECTS.

§ 173. That no master or teacher, or manager of or in any school, public or private, or of or in any Sunday-school or gymnasium, nor the officers or managers thereof, nor officers or managers, or persons having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, or cleanliness or strength of any church, hall of worship, school-house, school-room, or place of practice or exercise, or relative to anything appurtenant thereto, as that by reason of such neglect or omission the health of any person shall suffer or incur any avoidable peril or detriment.

School teachers to keep school-rooms ventilated, etc.

CHAPTER IV.

Nothing which shall imperil life to be in public places.

§ 174. That no person shall take, carry, expose, or place (or induce any other person so to do) in or upon any street or public place, any substance, animal or thing, which shall imperil the health of any person who is or may properly be in such street or place.

Noisy dogs not to be allowed in stables.

§ 175. That no person owning or occupying or having charge of any stable or other premises, shall keep or allow thereon or therein any dog or other animal which shall by noise disturb the quiet or repose of those or any one therein or in the vicinity, to the detriment of the life or health of any human being.

Church bells not to be rung without permision.

§ 176. That no large, or church-bell, shall be rung or tolled at any funeral in said city without a permit therefor from this board, nor shall such bell be rung or tolled at any other time therein to the prejudice or peril of the life or health of any human being.

Cesspools and privy vaults to be connected with sewer.

§ 177. That all cesspools and privy vaults shall be watertight, and when on lots adjacent to sewers shall be connected with the same, in the manner required by the regulations of the board of city works.

No premises to be used for business or amusement to detriment of health.

§ 178. That no person owning or occupying any building or premises shall use the same, or permit the use of the same, or rent the same to be used for any business or employment, or for any purpose of pleasure or recreation, if such use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or be dangerous or detrimental to health.

Agents, etc., to disclose names of owners.

§ 179. That every agent, or other person having the charge, control or management, or who collects or receives the rents of any lands, premises or other property, in the city of Brooklyn, shall disclose the name or names of the owner or owners of such land, premises or property, or the name or names of the person or persons for whom such agent or other person is acting to this board, upon application being made therefor by any inspector, agent or officer of this board.

No animal, etc., to be brought into city to detriment of health.

§ 180. That no person shall bring into the city of Brooklyn, or keep therein for sale or otherwise, either for food or for any other purpose, or purposes whatever, any animal, dead or alive, matter, substance or thing, which shall be, or which shall occasion a nuisance in said city, or which may or shall be dangerous or detrimental to health.

No building,

§ 181. That no building, vehicle, structure, receptacle or

thing, used or to be used for any purpose whatever, shall be made, used, kept, maintained or operated, in the city of Brooklyn, if the use, keeping, maintaining or operating of such building, vehicle, structure, receptacle or thing, shall be the occasion of any nuisance, or dangerous or detrimental to health.

vehicle, etc., to be used if a detriment to health

§ 182. That no substance, matter or thing, of any kind whatever, which shall be dangerous or detrimental to health, shall be permitted to exist in connection with any permitted business, or be used therein, or to exist in connection with, or be used in any work or labor, carried on or to be carried on or prosecuted in the city of Brooklyn, and that no nuisance shall be permitted to exist in connection with any business, or in connection with any such work or labor.

No nuisance of any kind permitted.

§ 183. That every person shall obey the ordinances, rules, regulations and orders of this board, made or to be made in pursuance of the act of the Legislature of the state of New York, under which these ordinances are adopted.

All ordinances, etc., to be obeyed.

§ 184. That any person who omits, neglects or refuses to comply with, or who resists any of the provisions of the foregoing ordinances, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the board of health of the city of Brooklyn, or who omits, neglects or refuses to comply with or who resists any order or special regulation of said the board of health of the city of Brooklyn, shall be guilty of a misdemeanor, and liable to arrest, suit and prosecution therefor, and upon conviction of such offense, shall be punished by imprisonment in the county jail, not to exceed thirty days, and by fine not exceeding two hundred dollars, nor less than ten dollars, or by both such fine and imprisonment.—*Amended June* 4, 1877.

Penalties for violations.

§ 185. The ambulances of the department of health, while engaged in going for or in carrying sick or wounded persons to or from the hospitals, shall have the right of way in the streets of the city, as against any person, carriage or incumbrance put, driven or being in said streets, and no person shall obstruct said ambulances, while so engaged if there shall be an opportunity to get out of the way of the same, under a penalty of ten dollars for each offense. It shall be the duty of the police to enforce the provisions of this section.

Ambulances of the department to have the right of way in streets.

Penalty.

CHAPTER V.

CHAPTER V.

IN RELATION TO PARTITION FENCES AND WALLS.

The common council of the city of Brooklyn to ordain as follows:

SEC. 1. Partition fences, how maintained.
2. Disputes, how determined.
3. When fences cannot conveniently be divided, how kept in repair.
4. Expenses of the regulation of a lot in conformity with a street, how borne.
5. Duties to be determined by alderman of ward.
6. Where walls cannot conveniently be divided, how kept in repair.
7. Regulating lots.
8. Where owners insist on a higher grade.
9. Where owners insist on a lower grade.
10. Neglect to make repairs.
11. Outside and boundary fences, how built.
12. Owners and lessees cannot recover damages except in certain cases.
13. Disputes, how determined.

Partition fences, how maintained.

SECTION 1. All partition fences in the city of Brooklyn shall be made and maintained by the owners of the land on each side; and each party shall make and keep in repair one half part thereof, when it can be conveniently divided.

Disputes, how determined.

§ 2. In case of any disputes between the parties concerning the division of any such fence, or as to what part or portion of it shall be made or repaired by each party respectively; and in all cases of dispute concerning the insufficiency of any fence in the city of Brooklyn, the matter shall be determined by the alderman of the ward in which such partition or other fence may be situated.

When fences cannot conveniently be divided, how kept in repair.

§ 3. When any partition fence cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side.

Expense of the regulation of a lot in conformity with a street how borne.

§ 4. When the regulation of a lot, in conformity with the street on which it is situated, shall require the ground of such lot to be raised and kept up higher than the ground of the adjoining lot or lots, and a partition wall for supporting the same shall be necessary, such partition shall be made and maintained by the owners respectively of the land on each side; and when the same can be equally divided, each party shall make and keep in repair one half part thereof.

Disputes to be determined by alderman of ward.

§ 5. If any dispute shall arise concerning the division of such partition wall between the parties, or as to what part or portion of it should be made or repaired by each party respectively, or concerning the sufficiency of any such partition wall, the same shall be determined by the alderman as aforesaid.

§ 6. Where any partition wall cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side. Where walls cannot conveniently be divided, how kept in repair.

§ 7. The regulation of lots, in conformity with the street, shall be calculated not to exceed a descent of two inches to every ten feet. Regulation of lots.

§ 8. Where any owner or owners shall insist on maintaining his, her or their ground higher than such regulation, the surplus partition wall which may be necessary to support such height shall be made and maintained at the individual expense of such owner or owners. Where owners insist on a higher grade.

SECTION 9, on this page, (pp. 325) is incomplete. The entire section is as folows;

§ 9. Where any such owner or owners shall insist on regulating his, her or their ground with a descent less than two inches on every ten feet, the surplus partition wall necessary to support the ground in the adjoining lot, regulated in conformity with the foregoing sections, shall, in like manner, be made and maintained at the individual expense of such owner or owners.

pair any partition wall, or any part thereof, in pursuance of the provision of this ordinance, shall neglect to do so for six days after being requested, in writing, by the owner or occupant of the adjoining ground, it shall be lawful for such owner or occupant to make or repair such partition, fence or wall, or cause the same to be done, and to recover from such person the expense of making or repairing so much thereof as ought to have been made or repaired by him or her, together with costs of suit, in any court having cognizance thereof. make repairs.

§ 11. All outside and boundary fences, and all fences, erected on the line of any public road, street, lane or avenue in the city of Brooklyn, shall be at least five feet high, and shall be built of good and substantial materials, and sufficiently in all respects to keep out and prevent the encroachment of cattle, sheep, hogs and other animals, and shall be kept in good repair, and of the height above mentioned. Nothing herein contained shall apply to courtyards or iron railings. Outside and boundary fences, how built.

§ 12. The owner or owners, lessee or lessees, tenant or tenants of any lot, piece of ground or premises, upon which any fence, not of the height, and that shall not be erected in the manner and maintained at the height mentioned in the preceding section, or who having so erected the same shall not keep the same in good repair, shall not recover for any damage he, they or she may sustain from any cattle, sheep, hog or other animal doing damage upon Owners and lessees cannot recover damages, except in certain cases.

CHAPTER V. his, their or her premises, unless such animals shall have been unlawfully at large; nor shall any cattle, sheep, hogs, or other animals be placed in pound for doing damage, unless such fence be erected and kept of the height, and in the manner mentioned in the eleventh section, unless such animals shall have been unlawfully at large.

Disputes, how determined.

§ 13. In case of any dispute between the parties, concerning any fence embraced within this chapter, or the sufficiency thereof, the matter shall be determined by the alderman, for the time being, of the ward in which such fence may be situated.

CHAPTER VI.

TO REGULATE THE USE OF COURT YARDS ON BUSHWICK AVENUE BOULEVARD.

The common council of the City of Brooklyn do ordain as follows:

SEC. 1. Width to be reserved for court yards.

SECTION 1. No person or persons shall erect or contract upon the twenty feet on each side of the Bushwick avenue boulevard by law set apart to be used as court yards only, any piazza, veranda, covered or enclosed porch, platform, or erection other than stoops, steps, or platforms with open backs and sides, or railing not to exceed seven feet in height, or to extend upon said court yards more than seven feet, or of a greater width than is necessary for the purpose of a convenient passage way into the houses or buildings to which the same shall be attached; nor shall any person or persons dig, build, or construct any area into said court yard.

APPENDIX.

THE

CHARTER OF BROOKLYN OF 1854,

AS AMENDED, AND

CERTAIN SPECIAL LAWS RELATING TO THE FIRE LIMITS, BOARD OF CITY WORKS, PROSPECT PARK COMMISSION, LOCAL JUDICIARY, EXCISE, BOARD OF EDUCATION AND ELECTION.

TOGETHER WITH A LIST OF ACTS OF THE LEGISLATURE IN RELATION TO THE CITY OF BROOKLYN

FROM 1788 DOWN.

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CHARTER OF 1854.

AN ACT

TO CONSOLIDATE THE CITIES OF BROOKLYN AND WILLIAMSBURGH AND THE TOWN OF BUSHWICK INTO ONE MUNICIPAL GOVERNMENT, AND TO INCORPORATE THE SAME, PASSED APRIL 17TH, 1854, AND SUNDRY ACTS AND PARTS OF ACTS AMENDATORY THEREOF, AND SUPPLEMENTARY THERETO.

TITLE I.

BOUNDARIES OF WARDS.

SEC. 1— Boundaries of city.
2—20, Ward Boundaries.
24, Wards to be Towns.

SECTION 1. All that part of the county of Kings at present known as the cities of Brooklyn and Williamsburgh and the town of Bushwick, and which is bounded easterly by the town of Newtown, Queens county; south by the towns of New Lots, Flatbush, and New Utrecht; and west by the town of New Utrecht and the Bay of New York; and north by the East River, shall be united into one municipal corporation, to be known and called the city of Brooklyn. Boundaries of city.

§ 2. The first ward of the said city shall comprise the following district, viz: beginning at a point of Atlantic street, where the centre lines of Atlantic and Hicks streets intersect each other, and running thence westerly along the centre of Atlantic street and a line in continuation thereof to the East River; thence northeasterly along the East River to a point opposite the centre of Fulton street, or a line in continuation thereof; thence southeasterly along the centre of Fulton street to the centre of Hicks street; and thence southerly along the centre of Hicks street to the place of beginning. Boundaries of first ward.

§ 3. The second ward of said city shall comprise the following district, viz: beginning at a point on East River at the centre line of Fulton street, continued and running thence southeasterly along the centre of Fulton street to a point opposite the centre of Sands street; thence easterly along the centre of Sands street to the centre of Bridge Second ward.

TITLE I.

street; thence northerly along the centre of Bridge street and a line in continuation thereof to the East River; and thence westerly along the East River to the place of beginning.

Third ward.

§ 4. The third ward of said city shall comprise the following district, viz: beginning at a point on Fulton street where the centre lines of Fulton street and Hicks street intersect each other, and running thence southeasterly along the centre of Fulton street and Fulton avenue to the centre of Boerum street; thence southerly along the centre of Boerum street to the centre of Atlantic street; thence westerly along the centre of Atlantic street to the centre of Hicks street; and thence northerly along the centre of Hicks street to the place of beginning.

Fourth ward.

§ 5. The fourth ward of the said city shall comprise the following district, viz: beginning at a point where the centre lines of Sands street and Fulton street intersect each other, and running thence easterly along the centre of Sands street to the centre of Bridge street; thence southerly along the centre of Bridge street to the centre of Fulton avenue; and thence northwesterly along the centre of Fulton avenue and Fulton street to the place of beginning.

Fifth ward.

§ 6. The fifth ward of said city shall comprise the following district, viz: beginning at a point where the centre lines of Bridge street and Johnson street intersect each other, and running thence easterly along the centre of Johnson street to the centre of Navy street; thence northerly along the centre of Navy street to the northerly side of Nassau street; thence easterly along Nassau street to the southwesterly corner of the United States Navy Yard; thence northerly, northwesterly and northeasterly along the United States Navy Yard to the East River; thence westerly along the East River to a point on the continuation of the centre line of Bridge street; thence southerly along the centre of Bridge street to the place of beginning.

Sixth ward.

§ 7. The sixth ward of said city shall comprise the following district, viz: beginning on the East River, at the centre of Atlantic street; thence easterly along the centre of Atlantic street to the centre of Court street; thence along the centre of Court street to the centre of Fourth place; thence westerly along the centre of Fourth place to the centre of Henry street; thence southeasterly along the centre of Henry street to the centre of Coles street; thence westerly along the centre of Coles street to the centre of Hamilton avenue; thence along the centre of Hamilton avenue to the East River; thence along the East River to the place of beginning.

Seventh ward.

§ 8. The seventh ward of said city shall comprise the following district, viz: beginning at a point formed by the intersection of the centre lines of Bedford and Flushing avenues, running thence southerly along the centre lines of Bedford avenue to the centre line of Atlantic avenue; thence westerly along the centre line of Atlantic avenue to the centre line of Washington avenue; thence northerly along the centre line of Washington avenue to the centre line of Flushing avenue; thence easterly along the centre line of Flushing avenue to the point of beginning.

Eighth ward.

§ 9. The eighth ward of the city of Brooklyn shall comprise the following district, viz: beginning at a point where the centre line of Middle street intersects Gowanus Bay, and running thence southeasterly along the centre of Middle street to the line of the town of Flatbush; thence southwesterly along said Flatbush line to the line of the town of New Utrecht; thence southwesterly along said line, crossing a highway called Martense's lane; thence southwesterly along said line to the southerly boundary of said city of Brooklyn; thence northwesterly along the line of New Utrecht to the Bay of New York; thence northeasterly along the said bay and along Gowanus bay to the place of beginning.—*Laws of* 1868, *Chap.* 813.

Ninth ward.

§ 10. The ninth ward of the city of Brooklyn shall comprise the following district, viz: beginning at a point formed by the intersection of the middle lines of Flatbush and Atlantic avenues, running thence in a southerly direction along the middle line of Flatbush avenue to the city line; thence along the city line in an easterly direction to the middle line of Atlantic avenue; thence westerly along the middle line of Atlantic avenue to the place or point of beginning.—*Laws of* 1868, *Chap* 814.

Tenth ward.

§ 11. The tenth ward of the said city of Brooklyn shall comprise the following district, viz: beginning at a point formed by the intersection of the centre of Boerum and Fulton streets; thence easterly along the centre of Fulton street and Fulton avenue to the intersection of Fulton avenue and Flatbush avenue; thence southerly along the centre of Flatbush avenue to the centre of Fourth avenue thence southerly along the centre of Fourth avenue to the centre of First street; thence northwesterly along the centre of First street to the centre of Second avenue; thence southwesterly along the centre of Second avenue to the centre of Fifth street; thence westerly along the centre of Fifth street to the centre of Smith street; thence southerly along the centre of Smith street to the centre of Fourth place; thence westerly along the centre of Fourth place to

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the centre of Court street; thence along the centre of Court street to the centre of Atlantic street; thence along the centre of Atlantic street to the centre of Boerum street; thence northeasterly along the centre of Boerum street to the place of beginning.—*Laws of* 1868, *Chap.* 813.

Eleventh ward.

§ 12. The eleventh ward of the said city of Brooklyn shall comprise the following district, viz: beginning at a point where the centre lines of Fulton avenue and Bridge street intersect each other, thence running northerly along the centre of Bridge street to the centre of Johnson street; thence easterly along the centre of Johnson street to the centre of Navy street; thence northerly along the centre of Navy street to the centre of Nassau street; thence easterly along Nassau street to the southeasterly corner of the United States Navy Yard; thence northerly along the same to the East River; thence easterly along the East River and Wallabout Bay to the centre line of Portland avenue, or a line in continuation thereof; thence southerly along the centre of Portland avenue in a straight line across Washington Park to the centre of Atlantic avenue and Atlantic street to a point where the centre lines of Atlantic street and Flatbush avenue intersect each other; thence northwesterly along the centre of Flatbush avenue to the centre of Fulton avenue; and thence westerly along the centre of Fulton avenue to the point or place of beginning.—*Laws of* 1863, *Chap.* 76.

Twelfth ward.

§ 13. The twelfth ward of said city shall comprise the following district, viz: beginning in the East River on the centre line of Hamilton avenue; thence southerly along the centre of Hamilton avenue to the centre of Coles street; thence southeasterly along the centre of Coles street to the centre of Henry street; thence northerly along the centre of Henry street to the centre of Fourth place, thence southeasterly along the centre of Fourth place to the centre of Smith street; thence northerly along the centre of Smith street to the centre of Fifth street; thence southeasterly along the centre of Fifth street to the centre of First avenue; thence southwesterly along the centre of First avenue to Gowanus Bay; thence along the Gowanus Bay and East River to the place of beginning.*

Thirteenth ward.

§ 14. The thirteenth ward of said city shall comprise the following district, viz.: beginning at the permanent water line on the easterly side of the East River, where the same

* By-laws of 1866, chapter 18, six lots lying in the twelfth ward, on the south pier of the Atlantic Dock Company, numbered 53, 54, 55, 56, 57, and 58, on the map of property of that company, surveyed September, 1841, by Williard Day, are ceded to the United States, whenever the United States shall acquire the title thereto, subject to the jurisdiction of the state for the service of civil and criminal or other process.

would be intersected by the dividing line between the city of Brooklyn and Williamsburgh; thence running in an easterly direction along the said dividing line to the centre of Ninth street and its intersection with said line; thence in a northeasterly direction along the centre of Ninth street to the centre of the intersection of Ninth and Grand streets; thence in northwesterly direction along the centre of Grand street to the permanent line of the East River; thence southwesterly along the permanent line of the East River to the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Fourteenth ward.

§ 15. The fourteenth ward of said city shall comprise the following district, viz: beginning at the easterly permanent line of the East River, where the same would be intersected by a line drawn through the centre of Grand street; thence running in a southeasterly direction along the centre of Grand street to the centre of the intersection of Grand and Ninth streets; thence in a northeasterly direction along the centre of Ninth street to the centre of the intersection of North Second and Ninth streets; thence in an easterly direction along the centre of North Second street to the centre of the intersection of North Second street and Union avenue; thence in a northerly direction along the centre of Union avenue to the centre of the intersection of Union avenue by Fifth street; thence in a northeasterly direction along the centre of Fifth street to the centre of the intersection of North Fourteenth street by Fifth street; thence in a northwesterly direction along the centre of North Fourteenth street to the centre of the intersection of North Fourteenth and First streets; thence in a southwesterly direction along the centre of First and North Thirteenth streets; thence in a northwesterly direction along the centre of North Thirteenth street to the easterly permanent line of the East River; thence in a southwesterly direction along the easterly permanent line of the East River to the centre of Grand street, the place of beginning.

Fifteenth ward.

§ 16. The fifteenth ward of said city shall comprise the following district, viz: beginning at the centre of the intersection of South Second and Ninth streets; thence running in a southeasterly direction along the centre of South Second street to the centre of the intersection of South Second street by Union avenue; thence in a northerly direction along the centre of Union avenue to the centre of the intersection of Wyckoff street by Union avenue; thence in an easterly direction along the centre of Wyckoff street to the centre of the intersection of Wyckoff street and Bushwick avenue; thence in a northwesterly direction along the centre of Bushwick avenue to the centre of the intersection

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of Bushwick avenue and North Second street; thence in a westerly direction along the centre of North Second to the centre of the intersection of North Second street and Smith street; thence in a northerly direction along the centre of Smith street to the centre of the intersection of Smith street and Richardson street; thence in a westerly direction along the centre of Richardson street to the centre of the intersection of Richardson and Leonard streets; thence in a northerly direction along the centre of Leonard street to the centre of the intersection of Leonard and Van Pelt streets; thence in a westerly direction along the centre of Van Pelt street to the centre of the intersection of Van Pelt street by Fifth street; thence in a southwesterly direction along the centre of Fifth street to the centre of the intersection of Union avenue by Fifth street; thence in a southerly direction along the centre of Union avenue to the centre of the intersection of Union avenue and North Second street; thence in a westerly direction along the centre of North Second street to the centre of the intersection of Ninth street by North Second; thence in a southwesterly direction along the centre of Ninth street to the centre of the intersection of Ninth and South Second streets, the place of beginning.

Sixteenth ward.

§ 17. The sixteenth ward of said city shall comprise the following district, viz.: beginning at the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh; thence running in a southerly direction along the said dividing line to the intersection with the centre of the Brooklyn and Newtown turnpike; thence in an easterly direction along the centre of said turnpike to the centre of its intersection with Bushwick avenue; thence in a northerly, northwesterly and northeasterly direction along the centre of Bushwick avenue to the centre of the intersection of Wyckoff street and Bushwick avenue; thence westerly along the centre of Wyckoff street to the centre of the intersection of Wyckoff street by Union avenue; thence in a southerly direction along the centre of Union avenue to the centre of the intersection of South Second street by Union avenue; thence in a northwesterly direction along the centre of South Second street to the centre of the intersection of South Second and Ninth streets; thence in a southwesterly direction to the centre of the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Seventeenth ward.

§ 18. The seventeenth ward of said city shall comprise the following district, viz.: beginning at the easterly permanent line of the East River, where the same would be intersected by a line drawn through the centre of North Thir-

teenth street; thence running in a southeasterly direction along the centre of North Thirteenth street to the centre of the intersection of North Thirteenth and First streets; thence northeasterly along the centre of First street to the centre of the intersection of North Fourteenth and First streets; thence in a northwesterly direction along the centre of North Fourteenth street to the centre of the intersection of North Fourteenth street by Fifth street; thence along the centre of Fifth street, in a northeasterly direction, to the centre of the intersection of Van Pelt street by Fifth street; thence in an easterly direction along the centre of Van Pelt street to the centre of the intersection of Van Pelt and Leonard streets; thence in a southerly direction along the centre of Leonard street to the centre of the intersection of Leonard and Richardson streets; thence in an easterly direction along the centre of Richardson street to the centre of the intersection of the Newtown Turnpike (or North road) by Richardson street; thence in a northeasterly direction along the centre of the Newtown turnpike, in all its turnings, to the centre of Newtown creek; thence in a northwesterly direction along the centre of Newtown creek, in all its meanderings, to the permanent line of the East River to a point where the permanent line of the East River would intercept the centre of the Newtown creek if continued; thence along the easterly permanent line of the East River in a southerly direction to the centre of North Thirteenth street, the place of beginning.

Eighteenth ward.

§ 19. The eighteenth ward of said city shall comprise the following district, viz.: beginning at the centre of the intersection of Richardson street and Newtown turnpike; thence running in a northeasterly direction along the centre of Newtown turnpike to the centre of Newtown creek; thence in a southeasterly direction along the centre of Newtown creek to the intersection of the centre of Williamsburgh and Jamaica turnpike; thence in a southeasterly direction to a certain rock called "Arbitration Rock;" thence south twenty-seven degrees east one hundred and fifty-five chains to a heap of stones; thence in the same direct line until it is intersected by the westerly line by the town of New Lots; thence in a southerly direction along said last-mentioned line to the northerly line of the present city of Brooklyn; thence northwesterly along said last-mentioned line and along the centre of Division avenue to the centre of the intersection of Division and Flushing avenues; thence easterly along the centre of Flushing avenue to the centre of the intersection of Flushing and Bushwick avenues; thence in a northerly, northwesterly and northeasterly, and again northwesterly direction, along the centre of Bushwick avenue to the centre of the intersection

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of Bushwick avenue and North Second street; thence westerly along the centre of North Second street to the intersection of North Second and Smith streets; thence northerly along the centre of Smith street to the centre of the intersection of Smith street and Richardson street; thence along the centre of Richardson street to the place of beginning.

Nineteenth ward.

§ 20. The nineteenth ward shall comprise the following district, viz.: beginning at a point formed by the intersection of the centre line of Division avenue with the centre line of Flushing avenue; running thence westerly along the centre line of Flushing avenue to the centre of Washington avenue; thence northerly along the centre line of Washington avenue to the Wallabout Bay; thence northeasterly along Wallabout Bay to the line dividing the late cities of Brooklyn and Williamsburgh; thence easterly along the said last-mentioned line to the centre line of South Sixth street; thence easterly again along the centre line of South Sixth street to the centre line of Division avenue; and thence easterly again along the centre line of Division avenue to the point of beginning.

Twentieth ward.

§ 21. The twentieth ward of the city of Brooklyn shall comprise the following district, viz.: beginning at a point formed by the intersection of the centre line of Washington avenue with the centre line of Atlantic avenue, running thence westerly along the centre line of Atlantic avenue to the centre line of Portland avenue; thence northerly along the centre line of Portland avenue in a straight line across Washington Park to the East River or Wallabout Bay; thence easterly along the East River or Wallabout Bay to the centre of Washington avenue, and thence southerly along the centre of Washington avenue to the centre of Atlantic avenue to the point of the place of beginning.—*Laws of* 1863, *Chap.* 76.

Twenty-first ward.

§ 22. The twenty-first ward of the city of Brooklyn shall comprise the following district, viz.: beginning at a point formed by the intersection of the middle lines of Bedford avenue and Clove place, running thence along the middle line of Clove place to its intersection with the middle line of Bedford avenue, thence northerly along the middle line of Bedford avenue to the middle line of Flushing avenue; thence easterly along the middle of Flushing avenue to the middle line of Broadway, thence southeasterly along the middle line of Broadway to the city line; thence westerly along the city line to the middle line of Atlantic avenue; thence in a westerly direction along the middle line of Atlantic avenue to the place or point of beginning.—*Chap.* 814, *Laws of* 1868.

Twenty-second ward.

§ 23. The twenty-second ward of the city of Brooklyn shall comprise the following district, viz.: beginning at a point where the centre lines of Flatbush avenue and Fourth avenue intersect, and running thence southeasterly along the centre of Flatbush avenue to the line separating the town of Flatbush from the city of Brooklyn; thence along the division line, as the same now runs, to the centre of Middle street; thence northwesterly along the centre of Middle street to Gowanus Bay; thence northeasterly along the said bay to the centre line of First avenue; thence northeasterly along the centre of First avenue to the centre of Fifth street; thence southeasterly along the centre of Fifth street to the centre of Second avenue; thence northeasterly along the centre of Second avenue to the centre of First street; thence southeasterly along the centre of First street to the centre of Fourth avenue; thence northerly along the centre of Fourth avenue to the place of beginning. —*Chap.* 813, *Laws of* 1868.

Wards to be towns.

§ 24. The said several wards of the said city, except as otherwise provided in this act, shall be considered and are hereby declared to be towns of the county of Kings.—*Sec.* 21 *of Original Act.*

TITLE II.

OF THE COMMON COUNCIL.

SEC. 1. Common Council—how constituted.
2. Board of Aldermen.
3. Qualifications of Aldermen.
4. When and how chosen.
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6. To be paid for services.
7. Clerk of common council.
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9. President of common council—expulsion of members.
10. Ordinances, etc., to be presented to mayor—veto of mayor—when ordinances shall take effect—majority vote, when required—yeas and nays, when to be taken—creation of public debt.
11. Annual publication of receipts and expenditures.
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4. Licenses.
5. Sale of hay and straw.
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8. Cows, &c.
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11. Bathing.
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13. Burial of the dead.
14. Gunpowder and use of lights in barns, &c.—inspection of dangerous materials, petroleum, kerosene, &c.
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16. Shows and exhibitions.
17. Obstructions in streets—removal of snow and ice, ashes, offal and garbage.
18. Duties of officers to be prescribed.
19. Drinking and victualing houses.

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21. Erection of stoops, windows, signs, cellars, &c.—removal of houses.
22. Improvement and repair of sidewalks and laying crosswalks.
23. Digging down, draining, filling up and fencing of lots—assessments of expense—water board may fill in lots.
24. To fix the compensation of officers not otherwise provided for.
25. Construction of chimneys, fire-works and fire-arms—prevention and extinguishment of fires.
26. Annual current expenditures of the city.
27. Runners for boats, stages, &c.—running of railroad cars and engines.
28. Money to be raised for celebration of Fourth of July, hospitals, dispensaries, and art association.
29. Assize and sale of bread.
30. Ringing of bells and blowing of horns.
31. Demolition of dangerous buildings.
32. To limit and define duties of officers.

SEC. 14. General powers.
15. Removal of buildings—when over a railroad track.
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17. Power to change and determine the names of streets and numbers of houses.
18. Penalty for disregard of such determination.
19. Penalties for violation and operation of ordinances.
20. Suits for do., how to be brought.
21. Publication and proof thereof, of ordinances.
22. Corporation newspapers.
23. Aldermen to be fence viewers and justices of peace.
24. Violation of ordinances—summary prosecution for.
25. Penalties for do., inflicted—trials, how conducted.
26. Police to make arrests.
27. Service of summons—counsel to have costs.
28. Board of estimate—amount of tax to be levied restricted—to present statement—bonded debt to be provided for.
29. Joint board of aldermen and supervisors to meet—duties of same.
30. Lamp and fire districts.
31. Mayor to preside at meetings of joint board.
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33. Penalties and forfeiture not to be remitted.
[(a) Commissioners of deeds to be appointed.
[(b) " " where to reside.
[(c) Notaries public—number to be determined.
[(d) " " determination to be sent to governor.
[(e(" " not to be appointed except limited.
[(f) " " residence of.

Common council, how constituted.

SECTION 1. The legislative power of said corporation shall be vested in a mayor and board of aldermen, who, together, shall form the common council.

Board of aldermen.

§ 2. The board of aldermen shall, on and after the first Monday of May, eighteen hundred and fifty-eight, consist of one alderman to be elected from each ward as hereinafter prescribed.

Qualifications of aldermen.

§ 3. Every alderman shall, at the time of his election, be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least three years immediately previous thereto.

Aldermen, when and how chosen.

§ 4. There shall be chosen by the electors of the several wards respectively herein mentioned, at the general state election to be held in the year one thousand eight hundred and sixty-two, and every two years thereafter, one alderman

from each of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth and eighteenth wards of the said city; and every two years thereafter, one alderman from each of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth and nineteenth wards of said city. The aldermen so chosen shall be entitled to take their seats on the first day of January next succeeding their election; and the terms of office of the present aldermen of said wards respectively shall continue until their successors shall be chosen as above provided, and shall have qualified.—*Laws of* 1862, *Chap.* 63.

[In 1868, the twenty-first and twenty-second wards were created, and provision made for the election of an alderman in the twenty-first ward at the general election in 1868, to hold office for one year from January 1st, 1869, and in the twenty-second ward at the same time to hold office for two years from January 1st, 1869. Their successors to be elected at the same time with the alderman from the odd and even numbered wards as prescribed in this section.—*Laws of* 1868, *Chap.* 813 *and Chap.* 814.]

Aldermen, term of office, resignations, vacancies, how filled.

§ 5. The members of the common council shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided by this act. In case any alderman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as alderman. They may also resign their respective offices at any time, by filing written notices thereof with the city clerk, and publishing a copy of such notice in the corporation newspapers; and the common council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold office only for the residue of the term so vacated.

To be paid for services.

§ 6. Each alderman shall receive an annual salary of one thousand dollars, payable monthly, in the same manner as now provided by law, but shall receive no other compensation whatever.—*Laws of* 1865, *Chap.* 721.

Clerk of common council, assistant do.

§ 7. The common council shall appoint a clerk, who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk, and hold his office one year [two years—*Laws of* 1863, *Chap.* 70], unless removed for cause and by consent of the common council; he may appoint an assistant clerk, for whose acts he shall be responsible.

TITLE II.

Quorum.

§ 8. A majority of aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

President of common council.

§ 9. The common council shall annually elect a president from its own body, and in his absence a president for the time being, choose officers, appoint its time and places of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months. But no expulsion shall take place except by the vote of two-thirds of all the members elected, until the delinquent member shall have an opportunity to be heard in his defense.

Expulsion of members.

Ordinances to be presented to mayor. Veto of mayor. When ordinances shall take effect.

§ 10. Every ordinance or resolution of the common council shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes by the common council, shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approves of it, he shall sign it; if not he shall return it with his objections, and file it with the clerk within ten days after he received it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal, and cause said objections to be published in the corporation newspapers, after which publications, it shall proceed to reconsider the same, and if two-thirds of all the members elected shall then agree to pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and nays, and entered on the journal. And if such ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board, except by the unanimous consent of the board; in which case it shall take effect upon being approved by the mayor.

Majority vote when required, yeas and nays, when to be taken. Debt or obligation against city, how created.

1. [No ordinance or resolution of the common council of the city of Brooklyn, having for its object the appropriation or payment of money from the treasury of said city, or for the creating of any debt or obligation, shall become binding upon said city unless the same has been passed by a majority of all the aldermen elected to the same common council, and the votes taken on the passage of any such ordinance or resolution shall, in all cases, be taken by ayes and noes, and entered on the minutes of the common council; and no debt or obligation of any kind shall be

created against said city except by ordinance or resolution of said common council specifying the amount and object of such expenditure.—*Laws of* 1861, *Chap.* 328.]

Penalty for voting to incur a floating debt, etc.

2. [If any alderman of the city of Brooklyn shall vote for the incurring of any floating debt against said city, or for creating any liability where there is no money in the treasury to pay the same, the office of such alderman shall become vacant immediately upon his giving such vote; another vacancy thus created shall be filled in the same manner as is now provided by law for the filling of vacancies that occur in the common council of said city.—*Ibid, Sec.* 3.]

Annual publication of receipts and expenditures.

§ 11. The common council shall at least once in each year, not more than thirty nor less than twenty days before the annual election, publish in such of the newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures of every description for the fiscal year ending on the thirty-first day of August preceding such statement, including all the moneys which have passed through the hands of the comptroller or Treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the objects for which the same were made, and the sums expended for each; also any money borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed and the purpose to which they were applied, and how much of the same or other city indebtedness has been paid and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, and condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city, showing also the relative indebtedness and property of the proportions of said city formerly included in the cities of Brooklyn, Williamsburgh and the town of Bushwick.

Meeting of common council, stated and special.

§ 12. The common council shall hold stated meetings, commencing on the first Monday of January in each year, unless the said first Monday happen on the first day of the year, in which case such stated meetings shall commence on the second Monday of January, but the mayor or in his absence any three aldermen may call special meetings of the common council by notice to each alderman, served upon him personally or left at his usual place of residence. The common council may, at any regular meeting, by reso-

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lution, order a special meeting, and such resolution shall not require the approval of the mayor.

Special powers of common council.

§ 13. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations, by-laws [subject to the provisions of this and not inconsistently therewith—*Laws of* 1862, *Chap.* 63] for the following purposes:

Finances and property.

1. To manage and regulate the finances and property, real and personal, of the city.

Wharves and piers.

2. To regulate wharves, piers and slips owned by the city, and direct the affairs thereof.

Police and fire department.

3. To establish and regulate a day and night police and fire department of the city, within the limits prescribed by law, and, define and regulate the duties and powers of firemen and police.*

Licenses.

4. To licence and regulate cartmen, porters, hack, omnibus, stage and truck owners and drivers; and all railroad cars running on any railroad established since January first, eighteen hundred and fifty-three; carriages and vehicles used for the transportation of passengers and merchandize, goods or articles of any kind (or to authorize the mayor to grant such licences, and to require the owners to mark the same in such manner as the common council shall designate); weights and measures, surveyors, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers [dealers in kerosene oils and fluid—*Laws of* 1864, *Chap.* 10], sweeps and scavengers [power vested in board of health by act establishing said board to appoint scavengers], and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities.

Sale of hay and straw.

5. To prescribe the places for selling hay, straw and other articles from wagons or other vehicles.

Markets.

6. To locate, regulate and remove slaughter houses; establish and regulate public markets, license and regulate butchers; designate places, times and manner of selling meats, fish, fruits and vegetables; and prohibit persons from selling without license.†

Cattle, swine, dogs, etc.

7. To restrain and regulate the running at large of cattle, horses, sheep, swine, geese and other animals; and to

* Abrogated as regards police and fire departments by acts relative to police and fire departments.

†See act establishing board of health.—*Laws of* 1870, *Ch.* p. 381.

authorize and regulate the impounding and sale of the same for the penalty incurred and cost of proceedings; and to pass ordinances authorizing the destruction of dogs.*

Cows, etc.

8. To regulate or prohibit the keeping of cows, swine and other animals.*

Nuisances.

9. To prohibit and abate all nuisances.*

Kites.

10. To regulate or prohibit the flying of kites, or any other practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city.

Bathing.

11. To regulate or prohibit swimming or bathing in the waters of or abounding the city.

Relative to public baths.

[The common council of the city of Brooklyn is hereby authorized to establish and maintain in the city of Brooklyn one or more public baths, as they may deem necessary, to make and establish suitable rules and regulations for the management of the same, to appoint a keeper thereof, and to fix his salary. For the purpose of raising the money needed to defray the expenses to be incurred, the total amount of which shall not exceed ten thousand dollars, the mayor, comptroller and city clerk are hereby authorized to issue a certificate of indebtedness, bearing interest at the rate of seven per cent. per annum, payable on the first of January, 1871. The joint board of aldermen and supervisors are directed to include the amount of money necessary for the redemption of such certificate in the next annual tax levy. There shall be levied upon the city at large, and collected annually, a sum of money not exceeding ten thousand dollars in any one year, for the purpose of defraying the expenses to be incurred for the proper and efficient maintenance of such bath or baths, and to pay the salaries of the keeper or keepers thereof.—*Laws of* 1870, *Chap.* 270, *Sec.* 1, 2 *and* 3.]

Money, how to be raised for purpose.

Tax for maintenance of baths.

Racing and fast driving.

12. To prevent horse racing and immoderate driving in said city, and to authorize the stopping of any one who shall be guilty of so doing.

Burial of the dead.

13. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and returning of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city as the health, quiet and good order of the city may in their opinion require, or prohibit the same entirely if necessary.

*See act establishing board of health.—*Laws of* 1870, *Chap.* 381.

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Gunpowder and use of lights in barns, etc.

14. To prohibit or regulate the keeping or conveying of gunpowder, and other dangerous material; to provide for forfeiture of the same; and the use of candles and lights in barns, stables and other buildings.

Inspection of dangerous materials.

[To prohibit or regulate the keeping or conveying of gunpowder, petroleum, earth or rock oil, benzole, benzine, naptha, kerosene, camphene or burning fluid of any kind, and other dangerous material; and to provide for the inspection of the same by an inspector* appointed by them, and in case of violation of the ordinance regulating the same to provide for the forfeiture thereof; and as to the use of candles or lights in barns, stables or other buildings.—*Laws of* 1864, *Chap.* 410. See also *Laws of* 1865, *Chap.* 733, in relation to petroleum oil, etc.]

Petroleum, kerosene, etc.

[For the purpose of enforcing the several provisions of this act ("An act to regulate the storage and keeping of crude petroleum, earth or rock oil, or any of its products, within the corporate limits of any city in the state of New York, of 1865, *Chap.* 733") in the city of Brooklyn, there shall be nominated by the mayor, and confirmed by the common council of said city, a competent and experienced person as special warden, whose duty it shall be to guard the city against fires and explosions from petroleum, earth or rock oil, or the products thereof; or from benzole, benzine, naptha, kerosene, camphene or burning fluid of any kind, by requiring obedience to the ordinances of the said city and the laws of this state in relation to the storage, manufacture of, keeping for sale of such materials within said city; and said special warden shall have power at all times to enter all manufactories, warehouses, buildings, sheds, yards and grounds within said city used for the manufacture, storage or sale of any of the materials mentioned in this section, and examine such materials kept or sold therein, and the manner in which the same are kept and secured; and the owners, tenants or occupants of all such manufactories, warehouses, buildings, sheds, yards and grounds within the said city, shall permit and allow the said special warden at all times to enter the same. The said common council shall have the power to regulate and prescribe the duties and compensation of said special warden, and to fix his term of office.—*Laws of* 1865, *Chap.* 773.]

Special warden to be appointed

Disorderly and gaming houses.

15. To suppress and restrain disorderly houses, and houses of ill-fame, gaming tables, ball alleys; the playing of cards or games of chance in places where liquor is sold to be drank; to destroy all implements or devices employed in gaming, and to restrain and punish vagrants, mendi-

* Power to appoint inspector under this law abrogated by *Laws of* 1867, *Chap.* 60

cants, street beggars and common prostitutes. (But this provision shall not apply to billiard tables.—*Laws of* 1860, *Chap.* 158.

Shows and exhibitions.

16. To prohibit or regulate the exhibition of common showmen, or of curiosities or other public exhibitions tending to create or encourage idleness or immorality.

Obstruction in streets, etc.

17. To prevent and remove obstructions and incumbrances in and upon all wharves, streets and public places, and the throwing of dirt, filth or rubbish on or from the same into the water adjoining; to direct and regulate the planting, rearing, trimming and preserving of ornamental and shade trees in the streets, parks * and grounds of the city; to enforce the removal of snow, ice, or dirt from the sidewalks and gutters, and to direct the sweeping and cleaning of streets by the persons owning or occupying the premises fronting thereon.

Removal of snow, ice, ashes, garbage, etc.

[No person shall throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, dirt, filth or rubbish of any kind whatever in any gutter, street, lane, alley or in any public place in the cities of New York, Albany, Buffalo and Brooklyn. § 2. The wilful violation of any of the provisions of the preceding section shall be and is hereby declared to be a misdemeanor, and shall be punishable by a fine of not less than one dollar, nor more than ten dollars, or by imprisonment for a term of not less than one or more than five days. *Laws of* 1866, *Chap.* 377, *Sec.* 1 *and* 2.]

Duties of officers to be prescribed.

18. To provide and define the duties of all officers appointed under this act not otherwise prescribed by law.

Drinking, and victualing houses.

19. To regulate victualing houses or cellars, gardens, and other places where ardent spirits or other intoxicating drinks may be sold, and to prohibit the keeping of the same, except by persons duly licensed.†

Unwholesome business.

20. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter-house, stables, privy, sewer, or other unwholesome or nauseous house, place or yard, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants, at the expense of the owner or occupant thereof, and to pre-

* Public parks placed in charge of the Prospect Park commissioners.—*Laws of* 1868, *Chap.* 493.

† Power transferred to board of excise.—*Laws of* 1867, *Chap.* 628, *and Subsequent Acts.*

TITLE II.

scribe certain limits within which it shall be lawful to erect or establish any offensive or unwholesome manufactory or business. [See law establishing board of health of 1870.—*Chap.* 381.]

Erection of stoops, windows, signs, cellars and removal of houses

21. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, cellar-door, oven, descent into a cellar or basement, sign, or any post or erection, or any projection from any building or otherwise, in, over or upon any street, or avenue in, or the removal of any house or other building through said city, and to cause the same to be taken out and removed from such street or avenue, at the expense of the owner or occupant of the premises.

Improvement of side and laying crosswalks.

22. To cause sidewalks to be improved by the laying of flag stones thereon, or such other material as they may deem expedient for the purpose of making a good foot path, and to cause the expense thereof to be assessed upon the adjoining lots, and to be levied and collected in the same manner as other local improvements; also to repair the same or put sidewalks in a safe condition and to lay cross walks and set and reset old curb and gutter stones. The expense for such repairs and laying of cross walks shall be a charge upon the ward in which such improvements are made; and for the purpose of defraying such expenses, the mayor is hereby authorized and directed to place in his budget to the joint board of aldermen and supervisors, annually, such an amount for each ward, as he may deem sufficient to meet such expenses. No petition for any of the improvements in this, or the following sub-divisions of this section mentioned, shall be necessary; but no assessment shall be laid which shall exceed one-half of the actual value of the lot to be assessed.—*As amended, Laws of* 1870, *Chap.* 258.

Digging down, draining, filling up, and fencing of lots.

23. To direct the digging down, draining or filling up of lots or parcels of ground, in all cases in which by a vote of two-thirds, they shall decide such digging down, draining or filling up necessary for preventing any damage or injury to the street, sidewalks, crosswalks, or to the adjoining property, or for abating a nuisance, at the expense of the owners thereof; to direct the fencing in or enclosing of vacant lands adjoining any street, and the building and maintaining of sufficient brick or stone walls between any lot or piece of land, and any street or avenue adjoining the land, or between any lots where the same shall be required in the opinion of the said council, by reason of either of said lots not being on the grade of the street upon which either of the same may front, to protect the lot or lots upon the grade of said street, or to protect said street, and to require such wall to be built upon any lot or piece of land

which shall not so conform to the grade, and at the expense of the owner or owners thereof, and to assess and collect the expenses thereof, in the same manner as for regulating, grading and paving streets; but before any ordinance shall be passed for any of the purposes in this or the last preceding sub-division mentioned, ten days' notice of the application for or the intention to pass such ordinance shall be given to every person to be affected thereby, either personally or by publication in the corporation newspapers.—*As amended, Laws of* 1868, *Chap.* 635.

Expense of filling in lots, how assessed.

[All provisions of law limiting the amount of the expense of filling in lots in the city of Brooklyn, assessable upon such lots are hereby repealed, and the whole expense of filling in any lot or lots directed to be filled in by the common council of said city, shall be assessed upon the lot or lots so filled in. The common council of the city may devolve upon the board of water and sewer commissioners the duty of filling in any sunken lots declared by them to be a nuisance or necessary to be filled in.—*Laws of* 1871, *Chap.* 866, *Sec.* 1 *and* 3.]

Water board may fill in lots.

To fix the compensation of officers not otherwise provided for.

24. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them, or any service required of him by this act or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act to be paid by the person or persons for whom such service shall be performed for the use of the city; and to regulate the compensation for the services of any officer of said city, or other person employed by him, for searching the books, files or records of said city for private persons.

Construction of chimneys, fireworks and firearms. Prevention and extinguishment of fires.

25. To regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of stoves, boilers, ovens, or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire works or firearms in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts, as they may deem proper to prevent the occurrence and to provide for the extinguishment of fires in said city.

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Annual expenditure of city.

26. To estimate and determine what amount of money may be raised to defray the annual current expenditure of the city, and to adopt all legal and requisite measures for levying and collecting it.—(*See section establishing board of estimate.*)

Public runners.

Running of railroad, engines and cars.

27. To regulate and restrain runners for boats, stages, railroads, taverns and other houses, and the running of engines and cars through said city on any railroad established since January first, eighteen hundred and fifty-three.

Money to be raised for celebration of July 4th, Hospitals, etc.

28. To raise by tax, annually, a sum not exceeding four thousand dollars towards defraying the expenses of the city hospital, and the sum of one thousand dollars for the celebration of the anniversary of American Independence, [Amended by *Laws of* 1861, *Chap.* 318, increasing the amount to three thousand dollars], and, in the same manner as the expenses of the fire department shall be raised the sum of one thousand five hundred dollars for the fire department funds of the eastern and western districts of said city, to be distributed between them according to the taxable property of each of said districts, [virtually abrogated by laws establishing paid fire department], and the sum of one thousand dollars upon the whole city, to be apportioned between the dispensaries of said city according to the taxable property of the districts in which they are situated. [Amended by *Laws of* 1860, *Chap.* 158, authorizing the raising of three thousand dollars for the support of the dispensaries.] [And a further sum not exceeding four thousand dollars towards defraying the expenses of the Long Island college hospital.—*Laws of* 1865, *Chap.* 721.] [And a further sum of four thousand dollars towards defraying the expenses of St. Peter's Hospital.—*Laws of* 1871, *Chap.* 561.]

Money to be raised for Hospitals and Dispensaries.

[It shall be the duty of the joint board of aldermen and supervisors of the city of Brooklyn, hereafter to levy and raise annually in the same manner as taxes are now required by law to be levied, the sum of fifteen hundred dollars to be paid to the Brooklyn central dispensary for its support; the sum of fifteen hundred dollars to be paid to the Brooklyn city dispensary for its support; the sum of fifteen hundred dollars to be paid to the Brooklyn eclectic dispensary for its support; the sum of fifteen hundred dollars to be paid to the Brooklyn homœpathic dispensary for its support; the sum of fifteen hundred dollars to be paid to the Williamsburgh dispensary for its support; the sum of fifteen hundred dollars to be paid to the Long Island college dispensary for its support; the sum of fifteen hundred dollars to be paid to the St. Peter's dispensary for its support;

the sum of fifteen hundred dollars to the eye and ear hospital of the city of Brooklyn for its support; the sum of fifteen hundred dollars to be paid to the Gates avenue homœpathic dispensary for its support; and the sum of fifteen hundred dollars to be paid to the Eastern District hospital of the city of Brooklyn; and the sum of fifteen hundred dollars to be paid to the Brooklyn dental infirmary for its support.—*Laws of* 1870, *Chap.* 320. It shall be lawful for the joint board of aldermen and supervisors of the city of Brooklyn, upon the recommendation of the mayor of said city, in any year thereafter, to levy and raise the sum of one thousand dollars to be paid to the Brooklyn art association for the purpose of supporting and maintaining a free school of Design in the city of Brooklyn.—*Laws of* 1870, *Chap.* 662.]

Art association.

29. To establish assize of bread, and regulate the sale thereof.

Assize of bread.

30. To prevent and regulate the ringing and tolling of bells, blowing of horns and crying of goods and other things in said city.

Ringing of bells blowing of horns, etc.

31. To raise or demolish any building or erection which by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend conflagration.—[*See also Sec.* 9 *and* 16, *Laws of* 1854, *Chap.* 109.]

Destruction of dangerous buildings.

32. To limit and define the duties which are by this act required to be performed by the several officers of the city, and to prescribe such other or further duties to be performed by them, or any of them, as it may deem proper.

To prescribe duties of officers.

§ 14. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police regulations and by-laws not contrary to the laws of the state or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act or by any other law of the state; and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants.

General powers

§ 15. The common council may allow or permit the removal of any house or other building through or over any street or avenue of said city; but in no case shall a building be removed into a fire district.

Removal of buildings.

[It shall not be lawful for any person to move any build-

Do. when over a railroad track.

TITLE II.

ing of any description through or on any street in the city of Brooklyn which has a railroad track laid thereon, unless the same is done in such manner that the cars running on said track are not disturbed thereby. In case any building is moved across the tracks of any railroad the same shall be done between the hours of eleven o'clock at night and three o'clock in the morning.]—*Laws of* 1871, *Chap.* 764.

Removal of buildings to be done at night.

Awnings and awning posts.

§ 16. The common council of the city of Brooklyn shall have power to make and enforce an ordinance or ordinances regulating the erection, construction, maintenance of awnings and awning posts in said city, or for the removal of the same.—*Laws of* 1862, *Chap.* 339, *Sec.* 1.

Names of streets, etc., and numbering of houses.

§ 17. The common council of the city of Brooklyn are hereby authorized and empowered to alter, change, fix and determine the names of all the streets, avenues, lanes, squares and places in said city, and to designate numbers for houses and lots therein; provided, however, that all such names shall be fixed by ordinance or ordinances, to be passed for that purpose in the same manner as ordinances for other purposes are now made.—*Laws of* 1862, *Chap.* 126, *Sec.* 1.

Penalty for violating ordinance relative to same.

§ 18. Any person who shall make use of, put up, display or designate any name or other designation or title for any street, avenue, lane, square or place in said city of Brooklyn, or who shall put up, display or designate any number on any building or lot, or otherwise, other than such as may be fixed and determined by the common council of said city, shall be deemed guilty of misdemeanor, and be punishable therefor as the law directs.—*Ibid, Sec.* 2.

Penalties for violation and operation of ordinances.

§ 19. In every by-law, ordinance, or police or sanitary regulation of the said common council may pass, it may impose such penalty for the violation or non-performance thereof, as it may deem proper; but no such by-law, ordinance or regulation shall extend in its operation beyond the territorial limits of the city.

Suits for violation of ordinances, how prosecuted.

§ 20. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint the by-law, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty may be commenced by warrant for the

arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case before whom complaint shall be made, under oath, and every police justice and justice of the peace elected in said city shall have jurisdiction in all such cases.

Ordinances to be published. Proofs of publication.

§ 21. Every general ordinance, by-law, rule or regulation which may be passed by the common council imposing a penalty, shall, after the passage thereof and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of such newspaper or papers, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence.

Corporation newspapers.

§ 22. The common council of the city of Brooklyn shall designate such newspapers, published in said city, not to exceed three in number, having the largest actual average daily circulation therein, one of which shall be published in that portion of the city known as the "eastern fire department district," in which shall be published all ordinances, resolutions, notices, tax or assessment sales, and all other proceedings which, by this act, or any other act, are or may be required to be published, affecting said city.—*As amended, Laws of* 1871, *Chap.* 561.

Aldermen to be fence-viewers and justices of the peace.

§ 23. The aldermen to be elected, as hereinbefore provided, shall be fence-viewers in their respective wards, and shall have and exercise all the powers and authority of justices of peace of towns in criminal proceedings, except the discharge of persons in custody; but shall not be entitled to receive compensation for any services as such justices of the peace.

Violation of ordinances may be summarily prosecuted.

§ 24. All violations of any ordinance of the city of Brooklyn, which consists of acts or things done by any person, and not of mere omission or neglect, may be proceeded against summarily before any police justice, or justice of the peace, in said city; such proceedings shall be commenced by warrant, upon proper proof, and shall be continued and conducted in the same manner as criminal proceedings are now conducted in cases triable before such justices, or either of them, as a court of special sessions; but no party charged with such offence, shall have the right to waive an examination, or elect to go before any higher court or tribunal.—*Laws of* 1871, *Chap.* 561, *Sec.* 12.

TITLE II.

Penalties to be inflicted. Trials, how conducted.

§ 25. Such justices shall have authority to fine the person offending as aforesaid, a sum equal to the penalty prescribed by the ordinances, and may sentence such person, in default of payment, to be confined in the county jail a period not exceeding ten days, and not exceeding the penalty prescribed as aforesaid, and all laws relating to trials by courts of special sessions in the city of Brooklyn, not inconsistent herewith, shall apply to such trials. In the proceedings hereby authorized, the offence shall be deemed sufficiently described by stating the ordinance, and the section thereof claimed to be violated.—*Laws of* 1871, *Chap.* 561, *Sec.* 13.

Police force to make arrests.

§ 26. The members of the police force of said city shall have power to arrest immediately without warrant, any person seen by them in the actual commission of any act punishable as aforesaid, and thereafter their duties in reference to such person shall be governed by the laws relating to arrests heretofore authorized by law for offences committed in their presence.—*Laws of* 1871, *Chap.* 561, *Sec.* 14.

Service of summons. Counsel to have costs.

§ 27. In all suits for the violation of any ordinance of the city, prosecuted in the justice or police courts thereof, the summons shall be deemed to be served in time, if served three days before the return day thereof, and in case the defendant may be absent from his residence or place of business, the summons may be served by leaving a copy of the same at either of such places, with a person of mature age in charge thereof; but no execution, except against property, shall be issued on any judgment in such suit, unless the summons was personally served on the defendant. The counsel of the city shall be entitled to all legal costs by him collected of the adverse party in any ordinance, or other suit, in the justices or higher courts.—*Laws of* 1871, *Chap.* 561, *Sec.* 21.

Board of estimate.

§ 28. The commissioners of the sinking fund of the city of Brooklyn, together with the supervisor at large and the treasurer of the county of Kings, shall be a board of estimate who shall, on or before the first Tuesday of July in each year, estimate the amount required to be raised by law in said city and county, for all city and county purposes, including the money to be raised by the board of education for said city, for the year commencing on the first day of January then next, stating separately what will be required for city and county purposes respectively.

Amount of tax to be levied restricted.

The amount so estimated to be raised in said city for both city and county purposes, shall not exceed two cents and three mills per dollar, upon an amount equal to the aggregate of the assessed value of the property in said city for

the year eighteen hundred and seventy; and no greater sum shall be raised in said city by tax for such purposes. The board of education in said city shall, on or before the first day of July in each year, transmit to the said board of estimate, a statement of the several amounts which in their judgment will be required for the various purposes for which moneys are now authorized or may hereafter be authorized by law for said board of education; and said board of estimate shall revise and determine the amount that shall be raised by tax for such purposes, in the next annual taxes. Provided that nothing therein contained shall prevent the raising by tax any further moneys which shall be required for the purpose of paying any portion of the bonded debt of said city or county hereafter to become due, or the interest on any bonds which shall hereafter be issued by said city or county under authority of law.—*Chap.* 362, *Laws of* 1871, *Sec.* 1.

Board of estimate to present statements.

Bonded debt to be provided for.

§ 29. The said board of estimate shall annually present their said estimate of the amount to be raised for city purposes as aforesaid to the common council and the supervisors of said city, who shall meet in joint board on the first Tuesday in July in each year, and then, or as soon thereafter as practicable, and before the first Tuesday of August, proceed to determine by a majority of at least two-thirds of all the members elected, what sums will be necessary to defray the expenses of said city for the year, to commence on the first day of January, then next, including interest and principal of debt due or to become due during said year, any amount required by law, to be paid into the sinking fund, or for any judgment, and generally for all purposes contemplated by law to be raised by tax in said city; but the aggregate amount of all sums so determined to be raised for city purposes shall not exceed the total amount of the estimate of said board of estimate for such last mentioned purposes.—*Chap.* 362, *Laws of* 1871, *Sec.* 2.

Joint board to meet duties.

§ 30. The whole of said city, except the eighth, ninth and eighteenth wards, shall constitute a lamp and fire district, subject to the several provisions for the enlargement thereof hereinafter contained; and in determining the amount required to be raised by tax, as provided in the last preceding section, the said joint board shall apportion the aggregate thereof between the city at large and the several parts thereof, by specifying how much is to be levied upon the city at large, and how much upon the property within the lamp and fire district.

Lamp and fire districts.

§ 31. The mayor shall preside over such joint board, and the city clerk shall be the clerk thereof, who shall deliver a

Mayor to preside at meeting of joint board.

TITLE II.

Supervisors to asses the tax levy.

copy of the resolution, duly certified by the mayor, to the board of supervisors of the county of Kings, at their next annual meeting thereafter; and the several amounts specified in said resolution shall be assessed and rated by said board upon and among the owners of the estate, real and personal, incorporated companies and associations in said city, in the manner herein directed.

Lamp and fire districts may be extended.

§ 32. No part of the expenses of the lamp and fire district shall be raised outside of the same; nor shall any portion of the eighth, ninth and eighteenth wards be included therein; but the common council may, at any time they think proper, by a vote of two-thirds, embrace any of the improved portions of said wards within such district, and such portions of said wards may be also annexed to said district upon the application of a majority of the persons interested therein, if the said common council deem it proper so to annex the same.

Penalties and forfeitures not to be remitted.

§ 33. The common council shall have no power to remit fines for penalties incurred in violation of ordinances or forfeitures for non-fulfillment of contracts for work done in cases where local assessments shall be laid.

Commissioners of deeds to be appointed.

[(a) The common council of the several cities of this state, except the city of New York, shall on or before the first day of January, one thousand eight hundred and fifty-one, and at the end of every two years thereafter, by resolution of the board, determine and limit the number of commissioners of deeds to be appointed in and for said cities respectively.]—*Laws of* 1848, *Chap.* 161, *Sec.* 31.

Do. where to reside.

[(b) Commissioners of deeds must reside within the respective towns for which they shall have been chosen and appointed, but may execute the duties of their office at any place within the county.]—*Sec.* 3 *of Title* 1, *Part* 1, *Chap.* 5, *R. S.*

Notaries public, number to be determined.

[(c) The common council of each of the cities in this state, except the city of New York, on or before the first day of January, in the year one thousand eight hundred and fifty, and once at the end of every two years thereafter, shall, by resolution of the board, determine and limit the number of notaries public to be next appointed in and for their respective cities.]—*Laws of* 1848, *Chap.* 161, *Sec.* 3.

Determination to be sent to governor.

[(d) A copy of each determination to be made by the common council of every city under the corporate seal and attested by the mayor of the city, shall be transmitted to the governor within twenty days after the same shall have been made.]—*Sec.* 3.

[(e) No nomination or appointment shall be made by the governor to any of the officers so limited, as stated in the preceding sections, unless in conformity to the limitation.] No appointments unless in conformity of limitation.

[(f) Notaries public must reside in the respective cities or counties for which they shall be appointed, but may execute the duties of their office at any place within the state.] Notaries public, residence of.
—*Title* 1, *Part* 1, *Chap.* 5, *Sec.* 14, *R. S.*

TITLE III.

OF CITY OFFICERS, THEIR ELECTION AND DUTIES.

SEC. 1. Administrative powers of corporation, where vested.
2. Qualifications for office.
3. Elections for mayor, etc., when to be held.
4. Ballots, how arranged and endorsed.
5. Returns of inspectors, when and how delivered.
6. Canvass of votes for 1854.
7. Canvass of votes for city and ward officers.
8. Statement of votes to be made.
9. Board to determine and declare who has received the number of votes.
10. Statements, etc., to be published—Persons to be notified.
11. Mayor—Term of office, and qualifications, powers and duties.
    1. Annual message of.
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12. President of board to sit as mayor, in case of absence or disability of mayor.
13. Comptroller, duties of—Deputy comptroller, clerk of accounts.
14. Street commissioners, duties of—Deputy street commissioner.
15. Treasurer, duties of—warrants on treasurer—deputy treasurer.
16. Commissioners of repairs and supplies—office abolished and duties vested in street commissioner.
17. Auditor, duties of—claims against city to be paid only on his certificate—deputy auditor.
18. Attorney and counsel for the corporation—his duties—to be entitled to fees—term of office.
19. Deeds of cession, when to be accepted.
20. City clerk, duties of.
21. City surveyors, to be appointed.
22. Constables—term of office.
23. Official term of elected officers—Do. of appointed officers—Do. of keeper of city hall.
24. Officers to be appointed by common council—term of office.
25. Official bonds.
26. Constables' bonds.
27. Bonds, where to be filed.
28. Oaths of office.
29. Salary of officers, how fixed.
30. Resignation of officers—Vacancies, how filled.
31. Removals from office.
32. Books and papers to be delivered over to successors in office.
33. No members of common council to be interested in contracts, etc., with city.
34. Supervisors, when elected.
35. City court.

SECTION 1. The administrative powers of the said corporation shall be vested in the mayor, comptroller, auditor, treasurer, street commissioner,* commissioner of repairs and supplies,* collector of taxes and assessments, and such other officers as shall from time to time be created by law or appointed by virtue of this act. Administrative powers of corporation, where vested.

* Offices of street commissioner and commissioner of repairs and supplies abolished by Laws of 1872, Chap. 364, and Laws of 1862, Chap. 68, and the office of tax commissioner created.

TITLE III.

Qualification for office.

§ 2. No person shall be elected or appointed to any office unless he be at the time of his election a resident and elector of the city, and if elected to any ward or district office, an actual resident in such ward or district, and his removal therefrom shall vacate such office.

Election for mayor, etc., when to held.

§ 3. Elections for mayor and such other officers as are by the provisions of this act to be elected, shall be held by the electors of the said city on the day of the general state election, at the same time and places; and in such manner and under such regulations as are or shall be prescribed by law in regard to state elections; the comptroller, treasurer, auditor, collector of taxes and assessments and commissioner of taxes,* shall be elected at such election in the year one thousand eight hundred and sixty-two; the mayor and street commissioner shall be elected at such election in the year one thousand eight hundred and sixty-three. The present incumbents of the respective offices aforesaid, except the collector of taxes and assessments, shall continue in office until the first day of January after the election of their respective successors as herein provided, and until such successors have qualified. The present collector of taxes and assessments shall continue in office until the first day of July, eighteen hundred and sixty-three, and until his successor shall have qualified.—*Laws of* 1862, *Chap.* 63.

Ballots, how arranged and endorsed.

§ 4. At the said elections the city judge, police justice and justices of the peace, or such of them as are required to be chosen at any election, shall be voted for on a separate ballot endorsed "Judiciary;" the mayor, comptroller, auditor, city treasurer, street commissioner,† collector of taxes and assessments, commissioner of taxes, or such of them as shall require to be chosen at any election, shall be voted for on a separate ballot to be endorsed "City Officers;" and the aldermen, supervisors, and other ward officers, to be elected by wards respectively, shall be voted for on a separate ballot endorsed "Ward Officers." Such ballots shall be deposited by the inspectors of the different election districts in separate boxes to be provided by the city.—1862, *Chap.* 63.

Returns of inspectors, when and how delivered.

§ 5. The original statements which shall be made of the canvass shall be duly certified by the inspectors. They shall deliver one copy thereof, together with a copy of the poll lists, to the city clerk, and another copy of each to the chairman of the board of canvassers within twenty-four hours after the closing of the polls, which shall remain with them until delivered to the board of canvassers, without alteration, supplement or amendment.

* Office of tax commissioner abolished.—Laws of 1864.

† Office of street commissioner abolished.—Laws of 1872, Chap. 364.

Canvass of vote for city offices for 1854.

§ 6. For the purpose of canvassing the votes given for city and ward officers at the general election to be held in November, 1854, the common council of the city of Brooklyn shall appoint twelve of its number, the common council of the city of Williamsburgh shall appoint four of its number, and the inspectors of election of the two election districts of the town of Bushwick shall each appoint one of their number; such appointments shall be made at least two weeks before said election, and the persons thus appointed shall constitute a board of canvassers for said election, with power to appoint its own chairman and clerk. Said board shall meet and organize in the common council chamber of the city of Brooklyn at least one week before said election; the statements of canvass shall be delivered to such chairman and clerk, as provided in the fifth section of this title; and said board shall thereupon proceed to canvass such statements at the same time and in the same manner as hereinafter provided.

Canvass of votes for city and ward officers.

§ 7. For the purpose of canvassing the votes given for the city and ward officers at any election, except the said election in November, 1854, the common council shall constitute the board of canvassers. The mayor, or in his absence the president of said board, shall preside, and the city clerk or his assistant shall be the clerk thereof. They shall meet at the room of the common council on the Monday next following the election, at or before five o'clock of that day, and a majority of aldermen shall constitute a quorum. The clerk shall then produce the original statements of canvass in each district, as the same shall have been delivered to him, and from them the board shall proceed to ascertain the votes given at such election for the several officers mentioned in such statements.

Statement of votes to be made.

§ 8. They shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other offices to be elected for said city and the several wards thereof; the names of the persons to whom such votes were given, and the number of votes given to each.

Board to determine and declare who has received the highest number of votes.

§ 9. Upon such statement the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement. In case any two or more persons shall have received an equal number of votes for the same office, the board shall determine by lot between them. The statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

TITLE III.

Deputy comptroller.

determine, and by consent of the common council may appoint a deputy comptroller, for whose acts he shall be responsible. He may administer an oath to any person or officer who shall be required to render any account or make any return to him, or furnish proof of his right to receive any sum of money or any evidence of indebtedness from the said comptroller, or from the city of Brooklyn.—(*See also Title X.*)

Clerk of Accounts—Comptroller to appoint.

[The comptroller of the city of Brooklyn is hereby authorized and empowered to appoint a suitable person who shall be entitled "clerk of accounts," and whose duty it shall be to keep and supervise all books and accounts pertaining to the office of the said comptroller, and the common council of the said city is hereby directed to fix and determine a compensation to be paid to such person so appointed.—*Laws of* 1871, *Chap.* 561, *Sec.* 2.]

Street commissioner, duties of.

§ 14. There shall be a street commissioner,* who shall be elected by the city at large every three years. He shall perform all such services as may be directed in relation to the opening, widening or regulation, grading and paving streets and avenues, with such other duties as may from time to time be prescribed for him by the common council not inconsistent with his office. He shall receive and have charge of all maps, books and papers appertaining to his department, and shall be entitled to such salary as the said common council shall determine; † and by consent of the

Deputy street commissioner.

common council may appoint a deputy street commissioner, for whose acts he shall be responsible, and who shall hold his office during the pleasure of the street commissioner. The deputy street commissioner shall possess all the powers and discharge all the duties of the street commissioner, in case of the absence of that officer. The street commisioner shall also have power to appoint such other clerks and subordinates in his department as the common council shall from time to time deem necessary.

Treasurer, duties of.

§ 15. There shall be a treasurer, who shall be elected by the city at large every three years, except as hereinafter mentioned, who shall receive and deposit daily, under the direction of the common council, all moneys belonging to the city in such banks, to the credit of the city, as the common council may direct, and upon such terms as the common council may determine, or in default thereof, in such banks as he may think fit, but no greater amount shall be deposited in any one bank than a quarter of its capital. He shall

* Office of street commissioner abolished, and powers and duties devolved on board of commissioners of city works.—Laws of 1872, Chap. 364.

† Salary of street commissioner fixed at $5,000 per annum.—Laws of 1870, Chap. 258.

countersign all warrants, also keep an accurate account of all receipts and payments, and make weekly returns thereof in such manner as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, and no money shall be drawn or paid out of the treasury except in pursuance of such orders appropriating the same, and upon warrants signed by the mayor or acting mayor and comptroller, and countersigned by the city clerk, or in his absence by his assistant. Such warrant shall specify for what purpose the amount therein mentioned is to be paid, the appropriation against which it is drawn, and the date of the ordinance making the same; and the said clerk shall keep an accurate account of all orders directing moneys to be paid by the treasurer in a book to be provided for that purpose.

Warrants on treasurer, how drawn.

[The city treasurer shall have power to appoint a deputy, who shall hold his office during the pleasure of the city treasurer, and shall possess all the powers and discharge all the duties of the city treasurer, in case of the absence of that officer. Said deputy city treasurer shall give such security as the common council may require. He shall receive a salary of one thousand dollars per annum.—*Laws of* 1870, *Chap.* 371.]

Deputy treasurer.

§ 16. The office of commissioner of repairs and supplies and all offices dependent upon it shall cease and be abolished from and after the first day of May, one thousand eight hundred and sixty-three, and the powers and duties of that office as now established and not modified by this act shall, on and after that day, be exercised by the street commissioner, except that the said street commissioner shall have power to appoint, with the consent of the common council, only a foreman of repairs and supplies, in addition to the appointments now authorized to be made by him.—*Laws of* 1872, *Chap.* 62.

Commissioners of repairs and supplies. Offices abolished, and duties vested in street commissioner.

§ 17. There shall be an auditor, who shall be elected by the city at large every three years, except as hereinafter mentioned. It shall be his duty to examine all bills presented against the city for payment. No claim against the city, or for local improvements, or otherwise howsoever, shall be paid unless he shall certify the same to have been incurred under authority of law, and that the services have been rendered or the materials furnished for which such bills may be presented, and that the charges are just and reasonable or according to contract. He may require the oath mentioned in section twelve of this title, and may administer the same.

Auditor, duties of—claims against city to be paid only on his certificate.

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Deputy auditor.

[He shall have power to appoint some proper person deputy auditor, to hold his appointment during the pleasure of the auditor, and for whose acts he shall be responsible. He shall also have power to appoint a clerk to hold his appointment during the pleasure of the auditor. The salaries of the deputy auditor and clerk so appointed shall be the same as the salaries of the deputies and clerks of other departments created by this act.—*Laws of* 1866, *Chap.* 55.]

Attorney and counsel for the corporation, his duties.

§ 18. The common council shall appoint a suitable and proper person as, and who shall be, the attorney and counsel for the corporation. He shall have the management, charge and control of all the law business of the corporation, and the departments thereof, and all the law business in which the city shall be interested; draw all leases, deeds or other legal papers for the city, and shall be the legal advisor of the mayor and common council and the several departments of the corporation. He shall have the charge, management and control of, and shall conduct all the proceedings necessary in opening, widening, altering or closing streets, avenues, parks, roads or lanes, and all other local improvements of the same kind, and he shall have the power and authority from time to time, during his continuance in office, to authorize an attorney or other person to appear for him, in his name, for and on behalf of the said corporation, and conduct and defend suits and proceedings in all courts and places. The said attorney and counsellor shall devote the whole of the business hours of the day to and for the use of the corporation and business above set forth. He shall receive from the common council an annual salary of three thousand dollars, to be paid quarterly, exclusive of all disbursements, and in full for all services rendered and performed by him for the corporation, including all attorney and counsel fees arising, or which may accrue on any proceedings for any local improvements or otherwise; all which fees shall belong to and be paid into the city treasury. The common council shall provide suitable apartments for the said attorney and counsel in the city hall, with all the necessary furniture and stationery, and shall allow and pay the said attorney and counsel such further sum as may be necessary, not to exceed two thousand five hundred dollars annually (to be paid quarterly), in full for the services of any attorney or clerk he may employ, which salary shall be in lieu of all fees and perquisites whatever of such attorney or counsellor, and he shall hold his office for the term of one year from the time of his appointment.

["The counsel of the city shall be entitled to all legal

costs collected of the adverse party in any ordinance, or other suit, in the justices or higher courts."—*Laws of* 1871, *Chap.* 561, *Sec.* 21.

[Term of office extended to two years, commencing January 1, 1863.—*Laws of* 1862, *Chap.* 63.]

Deeds of cession, when to be accepted.

§ 19. No fines imposed for a violation of any of the ordinances, by-laws or regulations of the common council shall be remitted by the mayor until after having received the advice in writing of the said attorney and counsellor.* And no deed of cession of any street or parts of streets, avenues, lanes, roads or parks shall be accepted by the said common council until the title of the parties ceding the lands on the same shall have been examined and ascertained by the said attorney and counsellor, and he shall report to the common council such fact in writing; the fees and expenses thereof to be paid by the parties executing the deed of cession, which said fees and expenses shall be paid into the treasury for the use of the city.

City clerk, duties of.

§ 20. The city clerk shall, in addition to the duties in this act required of him, have charge of all the papers and documents of the city, countersign all licenses granted by the mayor or the board of excise,† and keep the record of the proceedings of the common council. He shall perform all the duties of the clerks of the several towns of this state not inconsistent with this act. He shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor or acting mayor and said clerk. Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained. He shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

City surveyors, to be appointed.

§ 21. The common council shall annually appoint so many city surveyors as it shall deem proper, and fix their compensation for services in the opening or grading of any street, avenue, square, or making any other local improvement, and in all other cases in which they may be employed by the common council, and shall require from them bonds

*Power of mayor to remit fines, etc., repealed.

† The city clerk is no longer clerk of board of excise.

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with such penalties as they may deem sufficient to secure the faithful performance of all their duties.

Constables.

§ 22. There shall be annually elected, in each ward, one constable, who shall perform such duties as are by law prescribed to constables in other towns and counties of the state. He shall not be considered as attached to the police force, except when specially required by the mayor or chief of police.

Term of office.

[There shall be elected at the next charter election to be held in the city of Brooklyn, in each ward of said city, one constable. The constables elected in the wards with even enumerations shall hold their offices for two years; those elected in the wards with odd enumerations shall hold their offices for one year; and at every succeeding charter election there shall be elected in each ward in which an alderman is to be elected one constable, who shall hold his office for two years.—*Laws of* 1861, *Chap.* 205, *Sec.* 1.]

Official term of elected officers.

§ 23. The official term of the several persons who shall be elected in pursuance of this act shall commence on the first day of January next after their election, except that of the collector of taxes and assessments, whose terms shall commence on the first day of July next after his election; and the official terms of all persons who shall be appointed to any office or place in pursuance of this act shall commence as follows:

1. Such as are required to give security for the performance of their duties from the time such security shall be given and approved.

Official term of appointed officers.

2. Such as are not required to give security from the time they shall have taken and filed the oath of office hereinafter mentioned.—*Laws of* 1862, *Chap.* 63.

Keeper of city hall, term of office.

3. The term of office of the keeper of the City Hall of the city of Brooklyn shall be three years, and the term of the present keeper is hereby made two years from the first day of May, eighteen hundred and seventy-one, and thereafter the said term of office shall expire on the first day of May in every third year.—*Laws of* 1871, *Chap.* 561, *Sec.* 5.

Officers to be appointed by common council. Term of office.

§ 24. The common council shall, at the first meeting thereof in January in each year, or as soon thereafter as practicable, by ballot, appoint a city clerk,* a health officer,† a keeper of the City Hall,‡ a messenger of the com-

* Term of city clerk two years.

† See law establishing board of health.—Chap. 381, Laws of 1870.

‡ Term of keeper of City Hall, three years.—Laws of 1871, Chap. 561.

mon council, and two inspectors of pavements, and, by ballot or otherwise, so many pound masters, clerks of markets, surveyors, sealers of weights and measures, and clerks of departments, as they shall deem it expedient to appoint; but no such appointment shall be lawful unless the compensation for such officers respectively shall have been previously provided for by tax. All persons so appointed shall hold their respective offices until the first day of January next after their appointment, and until their successors have been appointed and shall have qualified. The present incumbents of the offices mentioned in this section shall hold their places until the first day of January, one thousand eight hundred and sixty-three, and their successors shall have qualified.

[The common council shall, at their first meeting in January, in the year one thousand eight hundred and sixty-three, and at their first meeting in every second year thereafter, or as soon after that day in such years as may be practicable, appoint the attorney and counsel for the corporation in this title before mentioned. The present attorney and counsellor shall continue in office until a successor shall have been appointed as aforesaid and shall have qualified. —*Laws of* 1862, *Chap.* 63.]

Official bonds.

§ 25. The treasurer of the city, comptroller, collector of taxes and assessments, auditor, street commissioner, * city clerk, the attorney and counsellor, and such other officers as the common council shall direct, shall severally execute a bond to the corporation, in such penalty as the said common council shall require, except as herein otherwise provided, with such sureties as said common council shall approve, conditioned for the faithful performance of their respective duties, and for accounting and paying over all moneys by them respectively received in their official capacities. In case such officers shall refuse or neglect for ten days after they are notified of their election or appointment, to execute and deliver to the city clerk the bond herein required, such neglect or refusal shall be immediately reported to the said common council, who may declare such office vacant, and forthwith proceed to appoint another in his place.

Constables bonds.

§ 26. The constables elected by the several wards shall also, with such sureties as the said common council shall approve, severally execute and deliver to said corporation a bond for the faithful performance of their duties, and for the due payment, to every person who may be entitled thereto, of all such sums of money as such constable may become liable to pay by means of or on account of any exe-

* Office street commissioner abolished.—Laws of 1872.

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cution, or other process, which shall be delivered to him for collection.

Bonds wher to be filed.

§ 27. The sureties referred to in the last two preceding sections shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been duly approved, shall be filed in the office of the city clerk, * except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective offices.

Oath of office.

§ 28. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same, the constitutional oath of office of this state, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, or shall neglect for the like space of time to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and if and whenever any vacancy shall occur in any of the offices to which by this act the common council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Salaries of officers, how fixed.

§ 29. The common council shall grant and pay to the mayor, comptroller, auditor, street commissioner,† collector of taxes and assessments, commissioner of repairs and supplies,† commissioner of taxes,† attorney and counsellor, treasurer, assessor, and all other officers, clerks or other persons elected or appointed under or in pursuance of this act, except to aldermen and supervisors, such stated salaries as may from time to time deem proper; but such salaries shall be, instead of all fees and perquisites whatever, for services to be performed by such officers; and all such fees and perquisites shall be collected and paid to the treasurer of the city for the use of the city by every such officer and clerk, monthly, under oath, to be filed with the comptroller, before he shall be entitled to receive any such salary; but no officer's salary shall be increased after his election and during his continuance in office, nor shall it be diminished without a vote of two-thirds of the members elected to the common council in favor of such diminution.—*Laws of* 1862, *Chap.* 63.

* Collector's bond to be filed in county clerk's office.—Laws of 1855, Chap. 199.

† Office of street commissioner, commissioner repairs and supplies, and tax commissioner abolished.

[The board of aldermen of the city of Brooklyn shall have the power by a vote of two-thirds of all the members elected thereto, with the approval by the mayor, to fix the salaries of the officers of said city, other than aldermen.—*Laws of* 1868, *Chap.* 224, *Sec.* 12].

Resignation of officers.

§ 30. Any officer elected under this act may resign his office by giving notice, in writing, of his intention to the city clerk and publishing a copy of such notice in the corporation newspapers; and any officer failing to discharge the duties of his office, for the space of one month, shall, unless excused by the common council, be deemed to have resigned. Whenever a vacancy shall occur in any of said offices, except the office of alderman, whether caused by death, removal, or otherwise, the common council may proceed, by ballot, to fill the vacancy until the next ensuing charter election, when a person shall be elected for the balance, if any, of the term so vacated.

Vacancies, how filled.

Removals from office.

§ 31. Any officer, except the mayor, may be removed from office for misconduct by the resolution of the common council, provided that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected, respectively, vote therefor. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the common council.

Books and papers to be delivered over to successors in office.

§ 32. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such time thereafter as the common council shall allow, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit or pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

No member of common council to be interested in contracts, etc., with the city.

§ 33. No member of the common council shall, during the period for which he was elected, be appointed to any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the said city treasury, or by any assessment levied by any act or ordinance of the said common council; nor shall any such member be directly or indirectly interested in the purchase of

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any real estate or property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said common council, or for any contractor under the city government. Nothing herein contained shall be construed so as to render any member of the common council ineligible to any office to which he may be elected by the people.

Supervisors, when elected.

§ 34. There shall be elected at the general election to be held in the year one thousand eight hundred and sixty-two, and at such election every two years thereafter, by the electors respectively of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth and nineteenth wards of the said city, one supervisor for each of the said wards; and there shall be elected at the said general election in the year one thousand eight hundred and sixty-two, and again in the year one thousand eight hundred and sixty-three, and at such elections every two years after the said election in the year one thousand eight hundred and sixty-three, by the electors respectively of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth, and eighteenth wards of said city, one supervisor for each of the last mentioned wards.* The supervisors so chosen shall be entitled to take their seats on the first day of January succeeding their election, and shall hold their offices until their successors shall be chosen as above provided and shall have qualified. The terms of office of the present supervisors shall continue until their successors, as above provided, shall be chosen and shall be qualified. The supervisors to be chosen, as by this section provided, shall possess the powers and be entitled to the compensation, respectively, of supervisors of the county of Kings.—*Laws of* 1862, *Chap.* 63.

City court.

§ 35. The jurisdiction of "the city court of Brooklyn" is hereby extended to the city hereby incorporated, and the powers of said court, and of the judge thereof, shall be the same as if the city hereby incorporated had been included in the act establishing said court and amending the same. The election of city judge shall be held at the general election in November, 1854, and at the general election every six years thereafter.

*A supervisor to be elected in 1868, for the term of two years, from the twenty-first ward, and one, for the term of one year, from the twenty-second ward. Their successors to be elected with the others from the odd and even numbered wards, as classified in this section.—Laws of 1868, Chap. 813 and 814.

TITLE IV.

OF ASSESSMENTS FOR PUBLIC OR LOCAL IMPROVEMENTS.

SEC. 1. Opening, grading and paving of streets, &c.—expenses of such improvements—draw bridges.
2. Proceedings for opening streets, and to be taken only on petition of majority of owners.
3. Action of common council on petition for opening or widening streets.
4. Who to be chargeable with expenses in case application is refused.
5. Maps of property taken, &c.,—to be made and filed.
6. Commissioners, to be sworn—duties of.
7. Commissioners' report, how to be made.
8. Residue of lots taken—how to be disposed of.
9. Assessment of residue, when made not to exceed its value.
10. Estimated damages and benefits, how to be adjusted.
11. Estimated damages to be assessed and to be a lien.
12. Report of commissioners to be filed and reviewed—to be open for public inspection—appeals from, when and how to be taken.
13. Appeal—proceedings to be heard by the court—action to be taken by common council relative thereto.
14. Appeal—costs in cases of.
15. Apportionment and assessment of expense—duties of board of assessors relative thereto—when the improvement shall be authorized to be made—fees for searches and abstracts of titles.
16. Damages, to whom paid.
17. Compensation of commissioners of assessment.
18. Excess of expenses to be refunded.
19. Guardians ad litem in case of infants and others.
20. Costs and fees of attorney and counsel.
21. Assessment to be a lien on property.
22. Board of assessors to assess expenses of all public improvements.
23. Board of assessors to view the premises and assess—lands under water—proviso as to eighth, tenth, and twelfth wards.
24. Board of assessors to report in writing—report to be referred to committee of common council.
25. Committee to report to common council.
26. Action of common council.
27. Report of board of assessors.
28. Petition for grading and paving, &c.—action of common council on do.
29. Expense not to exceed one third value of property.
30. District of assessment to be laid out—expense of improvement to be estimated.
31. Who chargeable with expense where petition is refused.
32. When the improvement may be ordered and how.
33. Expense not to be a charge against city.
34. Money not to be paid on improvement unless as provided.
35. Filling in and draining of lots.
36. Macadamizing of streets, &c.
37. Assessments for local improvements, when a lien.
38. Penalty for false certificate.
39. Assessment bonds authorized.
40. Contractors, how and when paid for work on local improvements.
41. Record of assessment bonds to be kept—surplus interest to be paid into sinking fund.
42. Defaults to be paid into sinking fund.
43. Majority of land owners to petition for improvement of streets.
44. District of assessment to be fixed—public notice to be given for remonstrances.
45. Contracts to be filed with the comptroller.
46. When assessments shall become a lien on property.
47. Board of assessors to apportion and assess the cost of improvements—no assessment to exceed in amount one half the value of property.
48. Contractors, when to be paid—surveyors' fees,
49. Inspectors on improvements, when to be paid.
50. Searchers' and surveyors' fees, when to be paid.
51. Certificate of corporation counsel required.
52. Searchers' and surveyors' fees now unpaid.
53. Assessment bonds.
54. Redemption of assessment bonds.
55. Assessment certificates heretofore issued to be replaced by bonds.
56. Unpaid assessments pledged for redemption of assessment bonds.
57. New assessment, when and how authorized.
58. Comptroller to keep an account of assessment bonds.
59. Assessors, how appointed—powers and duties—term of office—mayor to nominate and supervisors to confirm—in case of failure of mayor to nominate, officers to hold over—vacancies, how filled.
60. Assessor's power to examine under oath.
61. Ward maps.

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SEC. 62. President and secretary.
63. Clerks and assistants.
64. Board of assessors—power to review and correct assessment rolls—clerical errors—mistakes—other errors—personal property.
65. Apportionment of proceeds of sales of lands for taxes.
66. Assessment roll of valuation to be completed June 1st, annually.
67. Compensation of assessors and secretary.
68. Assessors, general powers of.
69. Power to lay out streets in first five wards.
70. Proceedings when parts of streets have been stricken from the map.
71. Commissioners of city works to cause surveys, maps and profiles to be made—expenses to be provided for by tax.

Opening, grading and paving of streets, etc.

SECTION 1. The common council shall have power, under the restrictions and limitations hereinafter mentioned, to cause streets and avenues to be opened and widened, and to be regulated, graded and paved, and to cause public squares and parks to be opened, regulated, ornamented and protected, and streets and avenues to be kept in repair, and from time to time to be repaved, or regraded and repaved;* to close up and discontinue roads, streets, lanes and avenues; to provide that lamp-posts and lamps be erected, and cisterns made for the purpose of furnishing water in case of fire; to cause sewers and drains,† wells and pumps to be constructed and repaired, and generally to have such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. The expense of all such improvements (except for repairs) shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving any street or avenue they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue, as may be necessary to carry off the surface-water of the lands which shed their water across the line of such street or avenue.

Expense of such improvements.

Draw-bridges.

The term "improvements" in this section shall be construed and is hereby declared to embrace any draw-bridge that, in the opinion of the common council, may be required to connect one part of a street or avenue with another part thereof, or with some other street or avenue, and the common council shall have the power to cause the same to be constructed accordingly; but it shall not be lawful to erect, create or construct any such draw-bridge over the Gowanus creek or canal, unless it shall have a draw in it of not less than thirty-four feet in width in the clear.

Proceedings for opening street, and to be taken only on petition of majority of owners.

§ 2. No proceedings shall be taken to open any street, park, avenue and square unless upon petition, signed by a majority of persons owning land situated on the line of the said improvement; and all streets and squares now opened or used as such, and streets and squares to be opened and

* See Laws conferring upon park commissioners powers and duties in relation to public parks, and upon sewer and water commissioners in relation to repairing, regrading and repaving streets, etc.

† Abrogated, so far as regards sewers and drains, by Laws of 1857, Chap. 521.

widened by the proceedings under these provisions, or to be ceded to and accepted by the common council, shall be under the jurisdiction, management and control of the said common council for the purpose of making the improvements before mentioned, as the public wants and convenience shall require, and for all purposes mentioned in or necessary for the fully carrying into effect all the provisions in this act, and the powers granted to the common council by this or any other act.

Action of common council on petition for opening or widening streets, etc.

§ 3. Whenever a petition for opening or widening any street, road, avenue, park or square in said city, signed by a majority of the persons owning land on the line of the same, shall be presented to the common council of said city, the common council shall cause a notice to be published in the corporation newspapers that such application has been made and of the time (which shall not be less than twenty days after the first publication of such notice), when they will proceed on said petition, which notice shall be published daily, in the newspapers employed by the corporation, for two weeks successively; and unless a remonstrance, signed by a majority of the persons to be assessed for the expense thereof, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide that such improvement be made. Before giving notice of the pendency of such application, the common council shall fix the limit or district of assessment, beyond which the assessment shall not extend, and a description of such limit or district shall be inserted in and form a part of such notice. If the common council shall deem it proper to permit such improvements to be made, they shall cause application to be made to the supreme court, in the second district, at a general term thereof, for the appointment of three persons as commissioners to estimate the expense of the said improvement, and the amount of damages to be sustained therefrom by the owners of lands and buildings, and all other persons interested in the premises, who may be affected thereby. The persons so appointed shall not be interested in the improvement. The said court may also appoint another, or others, to act in the place of any one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.—*Laws of* 1862, *Chap.* 63, *Sec.* 3.

[Hereafter applications for the appointment of commissioners to estimate damage to property, and to make awards in proceedings for opening streets or making other local

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improvements in the city of Brooklyn, now required by law to be made to the supreme court at general term thereof, and all such applications may be made at any special term thereof held in and for the county of Kings, and such special term shall have full power to grant such applications and make such appointments.—*Laws of* 1870, *Chap.* 258, *Sec.* 4.

Who to be chargeable with expense in case application is refused.

§ 4. The persons so applying, and who shall have signed a petition for any such improvement, shall be chargeable with, and are hereby declared liable for all charges and expenses which may accrue on such application, if the same is refused by the common council; and also for all costs, fees, damages and expenses which shall not be collected on any proceedings instituted under any such petition or petitions by the common council.

Maps of property taken, etc., to be made and filed.

§ 5. The common council shall cause a map to be made by a competent surveyor, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land, buildings necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which lots and pieces of land only a part will be required of the same for the purpose of said improvement; which said lots or pieces of land to be taken, and residues of lots or pieces of land, shall be numbered in figures, from one upwards; and the map aforesaid shall form and constitute a part of the reports of the said commissioners of estimate, and of the board of assessors in relation to said improvement, and shall be deposited with said reports respectively, for examination, in the office of the clerk of the county of Kings, and in the office of the commissioner of taxes, with said reports respectively, as hereinafter provided. In case there shall be no ward maps showing the lots or pieces of land within the district of assessment, the map to be made as aforesaid shall also show the several pieces of land within the district of assessment.—*Laws of* 1862, *Chap.* 63.

Commissioners to be sworn—duties of.

§ 6. The said commissioners shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section; and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by said improvement, to hear the proofs and allegations of the parties interested at such time and place as they may appoint, and to continue such hearing by adjournment from time to time, as they may deem proper.

Commissioners' report, how to be made.

§ 7. The reports of said commissioners shall be made in a tabular form with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items of such expense, the number on the map of the pieces of land required for the improvement, and of any residues within the district of assessment of lots or pieces of land of which only a part will be required for the same, the names of persons interested in the property taken for the improvement, and the nature of their interest, and the amount awarded to the different parties, and so many and such other different columns and tabular statements as may be necessary to state the true interests of the parties in the lands and premises, and their liabilities in relation thereto.

Residue of lots taken—how to be disposed of.

§ 8. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury or injustice would otherwise be done, and with the consent, in writing, of the owner or owners of such lot or lots, include the whole or any part of such residue in their report (briefly describing the same,) and estimate separately the value thereof. Every such residue or part of a residue which shall be so included, shall, upon the confirmation of said report as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the city of Brooklyn, which shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice, to be determined by the common council of said city, elect to take the same at such price or prices, it shall be disposed of at public auction, upon such notice as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell for a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioners shall include in the estimate and assessment of the expense of such improvement the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report, and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

Assessment of residue, when

§ 9. In other cases in which part only of the land and

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made not to exceed its value.

premises of any person or persons will be required for any such proposed improvement, the fair estimated benefit to be derived by him, her or them, in common with others for the said improvement, shall be assessed and be a lien upon the residue of such land and premises, but such assessment shall in no case exceed the value of such residue; and if, in the opinion of the court to whom the said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming the report.

Estimated damages and benefits, how to be adjusted.

§ 10. When all the land and premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required and the estimated damages to be sustained by the appropriation of such part to the purpose thereof shall exceed the fair estimated benefit which, in common with others, he, she or they will derive from the said improvement, the amount of the estimated damages in first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises, according to the estimated benefit to be derived from the said improvement.

Estimated damages to be assessed and to be a lien.

§ 11. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or owners of any land bounded on public highway, by reason of the location of the proposed street, avenue or square, in such manner as to interpose the land of any other person between such proposed street, avenue or square and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises according to the benefit to be derived by them respectively from the said improvement.

Report of commissioners to be filed and reviewed.

§ 12. After said report shall be completed, it shall be filed by the said commissioners in the office of the clerk of the county of Kings. They shall then cause a notice to be published that the same has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined, free of expense, by all persons interested; and at the time and place so specified any person may offer objections in writing to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem it proper, and shall then again file the same in the office of

the clerk of the said county of Kings. The common council shall then cause a notice to be published in the newspaper or newspapers employed by the said corporation, that the said report has been so completed and filed, and that application will be made on behalf of the said common council to the county court of the county of Kings, or to the supreme court, at one of the special terms thereof, the time to be specified in such notice (and in either case not less than ten days from the first publication thereof,) to have said report confirmed. During the said space of ten days, the said report shall remain open to the inspection, free of expense, of all persons interested; and any such person may, within that time, appeal from said report. Such appeal shall be by notice to be served on the clerk of the said common council within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or refer to copies thereof on such appeal,) and also with a brief statement in writing of the grounds of objection to such report and of the manner in which it is contended that the same ought to be altered.

Report to be open for public inspection.

Appeals, when and how to be taken.

§ 13. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming the said report, and affidavits may also be read to sustain the same; but no cause against such confirmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or if, in their opinion, the same ought not to be confirmed, they may refuse so to do, and in the event of such refusal, they shall in the proper case refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county. The common council shall thereupon cause a new notice to be published in the manner required in the preceding section of this act, of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section, and such appeal shall be proceeded upon and the said report again disposed of in the manner directed by this section; and so often as any such report shall be referred back for revision and correction, the like proceedings shall be

Appeal—proceedings to be heard by the court.

Appeal—action to be taken by common council in relation thereto.

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thereupon had as are provided in this section upon the first reference back to the said commissioners. In cases, however, where the said court can, from the nature of the case, and shall direct specific alterations to be made therein, and such alterations shall be made in its presence, or during the same term, they may thereupon absolutely confirm the said report without further notice.

Costs in cases of appeal.

§ 14. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be prosecuted or sustained.

Aportionment and assessment of expense—duties of board of assessors in relation thereto.

§ 15. Upon the confirmation of the report of the commissioners of estimate of the expense of the improvement, it shall, together with the map, be delivered to the board of assessors of said city, whose duty it shall be to apportion and assess the expenses of the improvement, as determined by the report of the said commissioners, upon the lands and premises benefited, or intended to be benefited, by the improvement, within the district of assessment, in proportion to the benefit derived by such lands and premises respectively thereby. The said board of assessors shall make their apportionment and assessment in a report or list in tabular form, with columns, giving the numbers, according to the ward map or maps, of the pieces of land assessed for benefit; or when there are no ward maps, according to the map made by order of the common council for the purpose of the improvement as aforesaid, the names of the owners or occupants thereof respectively, the amount assessed on each piece of land on the different interests therein, the balance of awards to be received by the different parties over their assessments, the assessment to be paid by the owners of the pieces of land assessed respectively, and by other persons interested therein, the balance of assessment to be paid by any such owners or persons over any awards made to them respectively, and such other statements as they may deem necessary to make. And upon the completion of the report of said board of assessors, the same proceedings shall be had in relation thereto, in all respects, until the confirmation thereof by the supreme court, as are required in relation to the report of the commissioners of the estimate of the expense of the improvement by sections twelve, thirteen and fourteen of this title; and all the provisions of said sections for review, appeal, revision, correction and confirmation thereof, shall apply thereto, except that said report shall be filed in the office of the commissioner of taxes for examination, and that, if the court shall send the same back for revision or correction, it shall be sent back to the board of assessors. Upon the confirmation of

the report of assessment list of the said board of assessors, and not until then, the rights of the owners or other parties interested in the lands taken to the awards made to them respectively shall become fixed, and the common council shall be thereupon authorized to cause such improvement to be made. In case any such assessment list or report of the board of assessors shall be afterwards set aside or declared void for irregularity or other cause, which shall not affect the validity of the awards made in the same improvement, it shall be the duty of the board of assessors to make out a new assessment list or report in the manner therein provided, which further report, and the assessment therein, shall be subject, in all respects, to the provisions in this section, and otherwise in this act provided in relation to the original reports and the assessments thereby made. If the said board of assessors shall, instead of making out an assessment list as aforesaid, merely report that the lands and premises within the assessment district are not benefited to the amount estimated by the said commissioners for the expenses of the improvement, as the said board of assessors may and shall do, if, in their judgment, such be the fact, the court shall, upon the presentation of such report for confirmation, order the proceedings for said improvement to be discontinued, and thereupon all proceedings had in relation thereto shall be null and void, and the city of Brooklyn shall in no case be liable in relation thereto. It shall be sufficient in making the awards and assessments for damages or benefits under this act, or any special or other act relating to laying out, opening, widening or extending any street, avenue, boulevard, park or square in said city, for the commissioners appointed or to be appointed, to make the same, and for the board of assessors to state in their reports respectively, the name or names of the parties interested in each piece or parcel of land and buildings or other property taken, and the name or names of the owners or occupants of each piece of land assessed for the benefit as said names may appear in the office of the commissioner of taxes; and all assessments for benefit and taxes so made shall be liens upon the land in regard to which they shall be made, notwithstanding any error in the names of the parties interested, owner or owners or occupants, the same as if such name were correct; and it shall not be lawful for the said commisioners in any proceeding pending, or to be commenced, for the purpose aforesaid, in pursuance of this act or any special or other act in relation to streets, avenues, boulevards or parks, to include or allow any sum whatever in the assessment of the expenses of the improvement for searches or abstracts of title. And if in any case such searches shall be necessary it shall be the duty of the attorney and counsellor of the city to make them, by virtue of

When the improvement shall be authorized to be made.

Fees for searches and abstracts of titles.

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his office as by this act provided, and in such case the statutory fees of the register of the county of Kings therein may be allowed, and no more.—*Laws of* 1862, *Chap.* 63.

Damages, to whom paid.

§ 16. The city comptroller shall pay to the persons (or to the attorneys or legal representatives of such) to whom damage may have been awarded in such report, the amount of such damages, without any deduction therefrom by way of fee or commission.

Compensation of commissioners of estimate and assessment.

§ 17. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed four dollars each for each and every day actually and necessarily employed about their duties, not exceeding for the three commissioners collectively the sum of five hundred dollars, and the disbursements to searches of title (including searches for taxes and assessments) to the amount of two hundred dollars may be allowed in addition to the disbursements for fees of the register and the clerk of the county, but no greater sum in any case than is actually and necessarily incurred for that purpose; and such compensation and the expense of said map, and the cost and fees of the attorney and counsellor, hereinafter provided, with the disbursements paid to the register of the county of Kings for his fees as fixed by law, and the fees of the clerks of the court for any services required by the provisions of this title, shall be estimated as a part of the expense of the improvement, and no other expenses, besides the amount awarded for damages, than those herein specified shall be included in any assessment.—*Laws of* 1862, *Chap.* 63.

Excess of expenses to be refunded.

§ 18. If the estimate of the expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed, in proportion to the amount of their respective assessments.

Guardians *ad litem* in case of infants and others.

§ 19. In case of opening, widening or extending any street, avenue or square, road or highway, under the provisions of this act, the county court of the county of Kings, or the county judge thereof in term or vacation, or a justice of the supreme court shall have power, on application, to appoint guardians for infants or other incompetent persons, in the nature of guardians *ad litem*, to protect their interests or prosecute appeals, who shall be entitled to receive five dollars for their services and attendance before the commissioners, and no other fees or costs, unless upon an appeal, in which case the judge who shall hear the appeal shall fix upon the further amount to be allowed them, if any, and shall certify the same.

Costs and fees of attorney and counsel.

§ 20. The costs and fees of the attorney and counsel in any such proceedings, exclusive of his disbursements, shall not exceed in any case the sum of two hundred dollars, unless on appeal, or when the report is sent back to the commissioners; and in such case the judge who heard the appeal may allow such further sum in addition to the taxed or certified bills as he may deem just and proper; and such costs and fees shall be paid into the city treasury for the use of the city.*

Assessments to be a lien on property.

§ 21. All assessments for improvements in said city, when the same shall have been confirmed according to the provisions of this act, shall constitute and be a lien upon the property assessed, from the time of such confirmation, which lien shall have priority over all other liens and incumbrances.

Board of assessors to assess expenses of all public improvements.

§ 22. The board of assessors shall, under such regulations as they may adopt, and by at least three of their number, apportion and assess the expense of regulating, grading or paving, or regrading or repaving streets, and of constructing wells and pumps, public cisterns, sewers and drains, lamp-posts and lamps, flagging sidewalks, fencing and filling in lots, and of all other public improvements, except as herein otherwise directed; and the common council shall proceed in regard to the assessments therefore in the manner thereinafter provided.

Board of assessors to view the premises and assess.

§ 23. Upon a copy of the resolution of the common council deciding to make any such improvement and fixing the amount to be assessed for the expense thereof, certified by the city clerk and approved by the mayor, being sent to the board of assessors, they shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefited, in proportion to the benefit which, in their opinion, the same shall derive from or in justice ought to be assessed for the said improvement. But whenever any of the lots, pieces or parcels of land so benefited shall be under water and belong to the state, the said board of assessors shall, in respect to such land, make such assessment on the right, interest and claim to and in the said land, of the person or persons who may be entitled to a grant of such lands from the commissmissioners of the land office. And all the provisions of this act applicable to said improvements, and the collection of the assessments therefor, shall apply to such right, interest and claim, and to the persons entitled to the same. Nothing herein contained shall be construed so as to affect the title of the state in or to the said lands; but any person or per-

Lands under water.

* See Laws of 1871, Chap. 561.

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Proviso as to eighth, tenth and twelfth wards.

sons who shall take the title to said lands from the state, and while the same remains unpaid, shall take the same subject to the lien of said assessments. Provided that the provisions herein contained shall be deemed to apply to lands under water, lying in the eighth, tenth and twelfth wards of the city of Brooklyn, and to none others.

Board of assessors to report in writing.

§ 24. The board of assessors shall make a report, in writing, of the assessment so made, and before proceeding to sign the same shall give notice in the corporation newspapers of the district, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the board of assessors shall proceed and complete the report and sign the same, and return the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested to the common council, who shall refer the same, in case of any objections in writing, to the proper committee of the board. The said committee shall publish a notice in the corporation newspapers of the district, for ten days successively, to the parties interested, of the time and place, when and where they will meet to hear them on the objections and report.

Report to be referred to committee of the common council.

Committee to report to common council.

§ 25. The said committee shall thereupon examine the matter and report to the common council, and shall return to them the said report of the board of assessors, with the objections of the parties, together with the views and opinions of the committee respecting the said report.

Action of common council.

§ 26. The common council shall thereupon examine the matter, and may correct the said report and assessment, send it back to the board of assessors, or confirm the same, as they may deem just and proper, and their confirmation in the matter shall be final and conclusive.

Report of board of assessors.

§ 27. And the like proceedings shall be had when the report of the board of assessors is sent back as in the first instance.

Petition for grading and paving, etc.

§ 28. No proceedings shall be taken by the common council of the city of Brooklyn, or by any of the officers of said city, except as herein otherwise provided, to regulate and grade, or to pave, or to regrade and* repave any street or avenue, or for digging down or filling in lots,† unless upon petition, signed by a majority of the persons owning the

* Amended by Laws of 1869, Chap. 97, conferring powers in respect to repaving streets, &c., upon the board of water and sewer commissioners.

† In relation to digging down and filling up lots, see Section 13, Sub-Division 23 of Title II, as amended by Laws of 1868, Chap. 635, and 1871, Chap. 866.

land situated on the line of the improvement, each of such persons being the owner of at least one building lot on said line, of the usual size of city lots.* Whenever such petition shall be presented, the common council shall cause a notice to be published in the corporation newspapers, published in said city, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice,) when they will proceed on such petition, which notice shall be published daily in the corporation newspapers for two weeks successively; and in case a remonstrance against the proposed improvement, signed by a majority of the owners of the lots of land within the district of assessment which shall be fixed by the common council for said improvement, shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement to be made or proceed further therein. But nothing in this act contained shall be so construed as in any way to affect the proceedings heretofore commenced by the common council of said city.—*Laws of* 1859, *Chap.* 213, *Sec.* 1.

Action of common council on petition for improvements.

§ 29. No proceedings shall be commenced by the common council of said city of Brooklyn, or by any of the officers of said city, to regulate and grade, or to pave, or to regrade and repave any street or avenue, or for the digging down or filling in lots† in said city, the expense of which shall impose upon any lot of land an assessment exceeding one-third of its value, independent of any erection of buildings thereon, and which value shall be ascertained as hereinafter provided.—*Ibid, Sec.* 2—(*See Laws of* 1871.)

Expense not to exceed one-third value of property.

§ 30. The common council shall lay out a district of assessment in every case contemplated in this act before any other proceedings are had therein, and shall cause a map to be made under the direction of the board of commissioners of city works, by a competent surveyor, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land and premises to be assessed for the improvement, and shall estimate the expense of any improvement or work referred to in the first and second sections of this act; and the assessors of said city, or such of them as shall be required so to do by the said common council, shall ascertain the value of the premises proposed to be assessed, in conformity with the second section of this act, for such expenses, stating how much of said expense is proposed to be assessed upon each lot, and shall report the same to the common council before any such improvement or work shall be ordered or determined upon by the said

District of assessment to be laid out—expense of improvement to be estimated.

* In relation to digging down and filling up lots, see Section 13, Sub-Division 23 of Title II, as amended by Laws of 1868, Chap. 635, and 1871, Chap. 866.

† Amended in regard to filling in lots by Laws of 1871, Chap. 866.

TITLE IV. common council; such assessors shall, at the same time, report to the common council, for their information, an estimate of the amount of benefit which such lot will derive from such improvement, but such estimated benefit shall not be computed as a part of the value of said lots for the basis of assessment referred to in this act.—*Ibid, Sec.* 3.

Who chargeable with expense where petition is refused.

§ 31. The person so applying, and who shall have signed a petition for any such improvement, shall be chargeable with, and are hereby declared liable for, all charges and expenses which may accrue on such application, if the same is refused by the said common council.—*Ibid, Sec.* 4.

When the improvement may be ordered and how.

§ 32. Upon the presentation of any application for any improvement or work specified or referred to in the first section of this act, and after taking the action directed in the preceding section, the said common council, if they determine that a petition for such improvement has been presented by a majority of the persons owning lands situated on the line of the improvement, and that the assessment proposed to be imposed upon each lot is in just proportion to the benefit which said lot is to receive from such improvement or work, and is the just proportion of the expense of such improvement or work which said lot should bear, and also that such assessment does not exceed one-third of the assessed value of such lot as directed to be ascertained by this act, and in case no sufficient objections are made thereto, the said common council may then proceed to order such improvement or work to be done; and the determination, in good faith, of the common council, in respect to all the facts to be ascertained for the purpose of commencing and carrying on such proposed improvement or work, shall be final and conclusive; provided that such action shall be in conformity with this act, and that no contract for such improvement or work shall be made which shall in any event exceed in amount the estimated expense of such improvement or work, and that the assessment for the expense of such improvement shall be confined to the district of assessment laid out by the common council as aforesaid.—*Ibid, Sec.* 5.

Expense not to be a charge against city.

§ 33. In no event shall any expense for any improvement or work contemplated by the first and second sections of this act be a charge against the city of Brooklyn; except so far as said city may be the owner of lands to be assessed for such work or improvement.—*Ibid, Sec.* 6.

Money not to be paid on account of improvement, unless as provided.

§ 34. It shall be a misdemeanor, and punishable as such, for any person or officer in the city of Brooklyn to take from the treasury of said city, by warrant or otherwise, any

money for or on account of the expense of any local improvement hereafter to be made in said city, unless the same has been first assessed, collected and paid into the treasury to the credit of said improvement.—*Ibid, Sec.* 7.

Filling in, grading or draining of lots.

§ 35. Nothing in this act contained shall be construed so as to prevent the common council of said city from causing lots to be filled, graded or drained, in the manner now provided by law, in cases where the board of health, or the common council as a board of health shall determine that such filling in, grading or draining is necessary in order to secure or protect the public health; but such determination shall be reduced to writing, and shall set forth the particular reason or reasons which render such filling in, grading or draining necessary, and notice thereof shall be immediately published for three successive days in the corporation newspapers, with a description of the lot to be so filled in, graded or drained, and such determination shall also be reported to the mayor at least one week before the common council shall take any action thereon.—*Ibid, Sec.* 8.*

Macadamizing streets, etc.

§ 36. The mayor and common council of the city of Brooklyn, in addition to any powers that they now possess in relation to the grading or paving of streets or avenues, shall also have the power to macadamize any street or avenue in said city, and lay an assessment therefor on any property that they may deem benefited by such improvement, in the same way as is now provided by law for the grading and paving of streets and avenues in said city. Nothing in this section shall be so construed as to allow any street or avenue to be so macadamized, except it shall be done in the manner provided for the grading or paving of streets in the first and second sections of this act.—*Ibid, Sec.* 9.

Assessment for local improvements, when to be a lien.

§ 37. No assessment for a local improvement in the city of Brooklyn shall be confirmed, or be a lien upon the property to be assessed therefor, until after the work shall have been completed according to contract. The comptroller of the said city is hereby authorized to pay from the proceeds of assessment bonds, to be issued in accordance with this act, to the contractors on all contracts confirmed by the common council for regulating, grading, regrading, paving or filling any street or avenue in the city of Brooklyn; but no moneys shall be paid on account of said assessments or contracts until the whole work has been completed, and a copy of the original contract has been filed with the comptroller

When monies shall be paid on account of expense of local improvements.

*See title II., Sec. 13, sub-division 23, in relation to digging down and filling lots, &c.

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of the city by the board of commissioners of city works or other head of the department having such work in charge, with a certificate in writing from such board of commissioners of city works or other head of such department, stating that the said contract has been fulfilled and completed according to the terms of the original contract. Upon receiving said certificate the comptroller shall pay seventy per cent., as aforesaid, and the remaining thirty per cent. shall be reserved until the final collection of the said assessment.—*Laws of* 1860, *Chap.* 444, *Sec.* 1.

Penalty for false certificate.

§ 38. If the certificate of the board of commissioners of city works or other head of any department in the last section mentioned and referred to shall be in any respect false or untrue, within the knowledge or notice of the person making such certificate, he and all persons aiding or abetting therein shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, by a fine not exceeding the amount on such certificate represented to be due, and by imprisonment not exceeding five years.—*Ibid*, *Sec.* 2.

Assessment bonds authorized.

§ 39. For the purpose of providing for the payments contemplated by this act, it shall be the duty of the common council to authorize and direct the comptroller of the said city from time to time to borrow such sums as may be necessary for the purpose in the second section mentioned, upon bonds to be executed by and on behalf of the city of Brooklyn, to be known as "assessment bonds," at a rate of interest not exceeding six per cent. per annum; and the bonds so issued shall be paid from the collections made on the assessment lists when confirmed by the common council of the city of Brooklyn, and which collections are hereby specifically pledged for such purpose.—*Ibid*, *Sec.* 3.

Contractors, how and when paid for work on local improvements.

§ 40. It shall be the duty of the comptroller to endorse all payments to the contractors upon the contract upon which the payment is made. No payment shall be made upon any contract beyond the amount thereof, and the final payment thereon shall not be made until the street commissioner, or other head of the department having such work in charge, shall furnish to the comptroller, who shall file the same in his office, a certificate signed by the board of commissioners of city works or the head of such department, that the work mentioned in such contract has been completed according to the terms of said contract, and to the satisfaction of the board of commissioners of city works or the head of the department giving such certificate. The final payment reserved upon any such contract shall be at least thirty per cent. on the amount thereof, and the certificate for such final payment shall not be given

until the work shall have been completed according to the contract, and until the assessment for said work shall have been confirmed by the common council. The assessment shall include a sum sufficient to cover interest at seven per cent. upon the moneys advanced to the contractors.—*Ibid, Sec.* 4.

Record of assessment bonds to be kept—surplus interest to be paid into sinking fund.

§ 41. The comptroller shall keep a record of all "assessment bonds" so to be issued, specifying the particular work on account of which the same were issued; and all moneys collected on account of any work for the payment of which said bonds were issued shall be faithfully applied as aforesaid. All sums received or retained by the comptroller for interest from the contractors, beyond the amount paid as interest upon the assessment bonds authorized by this act, shall be paid into the sinking fund pledged for the redemption of the city debts.—*Ibid, Sec.* 5.

Defaults to be paid into sinking fund.

§ 42. All that part of title two, section twenty-six of an act entitled "an act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick," passed April seventeenth, eighteen hundred and fifty-four, whereof the mayor of the city of Brooklyn is authorized to remit penalties or defaults for the delay in the completion of contracts is hereby repealed, and the said defaults, together with the interests above mentioned, shall be paid into the said sinking fund.—*Ibid, Sec.* 6.

Majority of land owners to petition for improvements of streets.

§ 43. The common council of the city of Brooklyn shall have power to cause streets and avenues to be graded, paved, turnpiked or macadamized in said city, but no proceedings shall be had unless upon a petition signed by a majority of the persons owning land situated on the line of the said improvement.—*Laws of* 1861, *Chap.* 169, *Sec.* 1.

District of assessment to be fixed, public notice to be given for remonstrances.

§ 44. Whenever a petition for grading, paving, turnpiking or macadamizing any street or avenue in said city, signed by a majority of the persons owning land situated on a line of the same, shall be presented to the common council, they shall first fix and determine the limit or district beyond which the assessment for said improvement shall not extend; they shall then cause a notice to be published in all the corporation newspapers for ten days successively, that such application has been made, together with a description of the limit or district within which the assessment shall be confined (which shall not be less than twenty days after the first publication of such notice,) when they will proceed on said petition, and unless a remonstrance, signed by a majority of the persons who will be assessed for the expense thereof, shall be presented to them on or

TITLE IV. before the day specified in said notice, and if they deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to cause such improvement to be made.—*Ibid, Sec.* 2.

Contracts to be filed with the comptroller.

§ 45. It shall be the duty of the board of commissioners of city works or the head of the department having in charge any work, the cost of which is to be paid for by assessment, to file with the comptroller of said city a certified copy of the contract under which said work is to be done, together with a copy of the resolution of the common council directing such contract to be made. Such copies shall be filed with the comptroller within ten days after the contracts shall have been duly executed by the contractor.—*Ibid, Sec.* 3.

When assessments shall become a lien on property.

§ 46. No assessment for a local improvement in said city shall be levied and confirmed, or be a lien upon the property to be assessed therefor, until after the work shall have been completed according to the contract, and a certificate of such completion, signed by the board of commissioners of city works, or the head of the department having the matter in charge, shall have been filed with the comptroller of said city; and it is hereby declared to be the duty of the board of commissioners of city works or the head of the department having the matter in charge, within ten days after the completion of said work, to file said certificate, and also to furnish the common council of said city a statement of the items constituting the cost and expense of said work, together with the fees and percentage now provided by law. —*Ibid, Sec.* 4.

Board of assessors to apportion and assess the cost of improvements. No assessment to exceed in amount one-half its value of property.

§ 47. The common council of said city, shall (after receiving the statement mentioned in the preceding section,) by resolution, direct the board of assessors to apportion and assess the amount thereof upon the several pieces or parcels of land and premises benefited by the said improvement (and included in the limit or district mentioned in the second section of this act,) in proportion to the benefit derived thereby; and all subsequent proceedings relative to levying, confirming and collecting any assessment, shall be as is now provided by law; except that the board of assessors shall, in their assessment lists or report, furnish an estimate of the value of each separate piece or parcel of land assessed, and no assessment on any piece or parcel of land shall exceed in amount one-half of the value thereof. —*Ibid, Sec.* 5.

Contractors, when to be paid

§ 48. After any contract for a local improvement in said city shall have been entered into, and a certified copy there-

of shall have been filed with the comptroller in conformity with the third section of this act, said comptroller is hereby authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month,) seventy per cent. of the estimated value of the work actually done under said contract, until the same shall be completed. The estimate of the value of any such work shall be signed by the surveyor in charge, and also by the board of commissioners of city works, or the head of any other department having the matter in charge, and approved by the mayor; and upon the final completion of any contract and the filing of the certificate of completion, signed by the officers above named, the comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance of the amount due under his said contract.—*Laws of* 1861, *Chap.* 169, *Sec.* 6.

Surveyor's fees.

[And the said comptroller is also authorized and directed, as said work progresses, to pay to the surveyor under whose charge the said work shall have been done, the same rate of percentage upon the services rendered by him; and in like manner, upon the final completion of said contract, pay to the said surveyor any balance or amount which may be due him for his services.—*Laws of* 1815, *Chap.* 238, *Sec.* 1.]

Inspectors on improvements, when to be paid

§ 49. The comptroller of the city of Brooklyn is hereby authorized and directed as the work progresses to pay to the inspectors on the various local improvements in said city, under whose charge the said work shall have been done, on certificate of the board of commissioners of city works that said inspector has rendered such service, such compensation as the common council may from time to time designate.—*Laws of* 1871, *Chap.* 561, *Sec.* 3.]

Searcher's and surveyor's fees, when to be paid.

§ 50. All expenses, chargeable in any proceeding hereafter had for opening or widening any street or avenue in the city of Brooklyn, for searcher's or surveyor's fees shall be included in the report of the commissioners appointed for that improvement, and shall thereafter be confirmed by the supreme court at a regular or special term thereof; and no such expenses shall be due or payable unless included and confirmed as herein required.—*Laws of* 1859, *Chap.* 213, *Sec.* 17.]

Certificate of corporation counsel required.

§ 51. All expenses charged for improvements in the preceding section mentioned, for searcher's and surveyor's fees, shall be due and payable immediately after the report of the commissioners shall be confirmed, as above required, and the corporation counsel shall thereupon give a certifi-

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cate to the comptroller that such expense has been duly awarded and confirmed, and that the same is now due and payable, and such certificate shall be the full and final voucher to the comptroller, and he shall thereupon draw his warrant, and with the treasurer of the city, cause the same to be paid out of the revenue fund of the city.—*Ibid, Sec.* 18.]

Searcher's and surveyor's fees now unpaid.

§ 52. All expenses now due and unpaid for searcher's and surveyor's fees in proceedings to open or widen any street or avenue in said city, shall be paid from the same fund in the same manner.—*Ibid, Sec.* 19.

Assessment bonds,

§ 53. For the purpose of furnishing the money required to make the payments mentioned in the preceding section, the mayor, comptroller and city clerk of said city of Brooklyn are hereby authorized and directed, from time to time, as may be necessary, to issue, under the city seal, assessment bonds, payable at or before the expiration of three years, with interest not exceeding seven per cent. per annum, payable semi-annually, which said bonds shall be sold at not less than par, and the proceeds shall be used according to provisions of section six of this act, and for no other purpose.—*Laws of* 1861, *Chap.* 119, *Sec.* 7.

[§ 1. It shall not be lawful for the city of Brooklyn to issue its bonds or other obligations, or in any manner to loan its credit for the purpose of providing the money required to make payment for local improvements, as authorized and provided by the act entitled "an act relative to local improvements in the city of Brooklyn," passed April eleventh, eighteen hundred and sixty-one, beyond the amount or sum of two millions eight hundred thousand dollars, outstanding at any one time or as authorized and provided by the act entitled "an act to reorganize the board of water and sewerage commissioners of the city of Brooklyn, and to provide for the repaving, repairing, and cleaning the streets of said city by said board," passed April second, eighteen hundred and sixty-nine, or any act amendatory thereof, beyond the amount or sum of two millions two hundred thousand dollars outstanding at any one time. § 2. Any officer signing or executing any bond or obligation, in contravention of the provisions of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to imprisonment for not less than one year and a fine of not less than one thousand dollars for each offence.—*Laws of* 1872, *Chap.* 620.]

Redemption of assessment bonds.

§ 54. The amounts collected from any and all assessments levied and confirmed under the provisions of this act, to-

gether with all defaults and interest on the same, are hereby specially appropriated and set apart for the payment of the principal and interest on the bonds mentioned in the preceding section; and there shall also be added to every assessment levied under the provisions of this act a sufficient sum to pay the interest on all payments made prior to the confirmation of the assessment.—*Laws of* 1861, *Chap.* 119, *Sec.* 8.

Assessment certificates heretofore issued to be replaced by bonds

§ 55. It shall be the duty of the comptroller of the city of Brooklyn forthwith to ascertain and report to the commissioners of the sinking fund of said city the total amount of all assessment certificates heretofore issued to contractors and others for and on account of any contract for which an assessment has been levied and confirmed, and which certificates, or any part thereof, are still due and unpaid, together with the interest which has accrued thereon. Said commissioners are hereby authorized and empowered to fix and determine the amount of principal and interest due on each of said certificates, and shall report the same to the common council of said city, and upon receiving the report above named the common council shall, within thirty days thereafter, by resolution, direct the mayor, comptroller and city clerk to issue, under the city seal, bonds for the amount of the principal and interest of the certificates above named, payable semi-annually, which said bonds shall be sold at not less than par, and out of the proceeds of the sale of said bonds the comptroller shall pay the principal and interest of said certificates.—*Ibid, Sec.* 9.

Unpaid assessments pledged for redemption of assessment bonds.

§ 56. The amount of all assessments for local improvements in said city remaining unpaid, and on account of which any of the certificates mentioned in the preceeding section shall have been issued, together with all defaults and interest due on said unpaid assessments, are hereby specially appropriated and set apart for the payment of the principal and interest of the bonds mentioned in the preceeding section; and the amounts when received shall be paid over to the commissioners of the sinking fund for the redemption of said bonds, and in cases of any error or irregularity in any of the proceedings relative to said assessments which may hinder and delay the collection thereof, the common council are hereby authorized to correct such error or irregularity, and issue new warrants for the collection of the same.—*Ibid, Sec.* 10.

New assessment when and how authorized.

§ 57. In any case where an assessment for a local improvement in said city has been heretofore levied and confirmed, and the whole or part of which remains unpaid, the common coucil of said city shall have power (if they shall be

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satisfied that injustice has heretofore been done to the parties assessed), to direct a new assessment to be levied for the amount remaining unpaid, with the interest thereon. They may enlarge and extend the district heretofore assessed as they may deem just and equitable, and the board of assessors, in levying and assessing said new assessment, shall credit to all parties who may have paid the previous assessment, with the amount so paid by them respectively, and their property shall be liable only for the balance, if any, of the new assessment, over and above the amount so paid by them respectively, and all proceedings for levying, confirming and collecting said new assessments shall be as is now provided by law.—*Ibid, Sec.* 11.

Comptroller to keep an account of assessment bonds.

§ 58. It shall be the duty of the comptroller of such city to keep an account of the bonds to be issued under the provisions of this act, and he shall make detailed reports to the common council of said city semi-annually, oftener if required, of the whole amount of assessment bonds issued, the amount paid during each half-year, with the interest and the amount outstanding; and also the amount of assessments remaining unpaid at the time of his said report.—*Ibid, Sec.* 12.

Assessors, how appointed power and duties.

§ 59. The mayor shall nominate, and, by and with the consent of two-thirds of the city supervisors convened in meeting duly notified, appoint, on or before the tenth of January, one thousand eight hundred and sixty-three, five assessors, and on or before the tenth day of January in each year thereafter one assessor, no two of whom shall be residents of any one ward, and at least two of whom shall be residents of the eastern district of said city, who shall perform, under the direction and supervision of the said commissioners of taxes, the duties heretofore performed by the assessors of the several wards of said city, and by this or any other act required of them; and shall have all the powers of assessors of the different towns of this state. The assessors first appointed under this act shall hold their office for the term of one, two, three, four and five years respectively. All subsequent appointments shall be for the term of five years, except where vacancies occur by death, resignation or inability to serve, and such appointments shall be for the balance of the unexpired term. The commissioner of taxes, for the purpose of determining which of the persons first appointed shall serve such terms respectively, shall, within ten days after their appointment, notify them to attend at his office, and in the presence of the person so appointed, who shall attend, proceed to choose by lot, and in that manner determine which of said assessors shall serve for the terms aforesaid respectively. He shall,

within twenty-four hours thereafter, file in the office of the county clerk a certified statement of such fact. The said assessors shall, together, constitute a board of assessors. Should such assessors, or any of them, by reason of sickness or other inability, be unable to perform the duties required of them by this act, the mayor, by and with the consent of two-thirds of the city supervisors, convened as aforesaid, shall appoint other persons in their stead, who shall hold offices for the balance of the term of the persons so superceded. The terms of the assessors now in office shall continue till the first day of January, one thousand eight hundred and sixty-three, and all of them shall then expire. There shall be two additional assessors for said city, to be appointed in the manner and under the same conditions now provided by law, one of whom shall be a resident of the eastern district. The appointment of such assessors shall be made on or before the tenth day of January, eighteen hundred and sixty-six. Such additional assessors shall have the same powers and be subject to the same duties as the other assessors of said city. One of said additional assessors shall hold his office for one year, and the other for two years, the terms of the persons so appointed to be designated by the mayor at the time of and with the nomination of the same to the city supervisors; and the present existing assessors, whose terms of office are now for one, two, three, four and five years, shall hold their office respectively for three, four, five, six and seven years. All subsequent appointments of such additional assessors shall be made whenever and as often as vacancies shall exist, and shall be for the term of seven years, except where vacancies occur by death, resignation or inability to serve, when such appointment shall be for the balance of the unexpired term. The board of assessors, in addition to the duties and powers now devolved on them, shall, on and after the first day of January, eighteen hundred and sixty-six, have the powers and discharge the duties now by law devolved upon the commissioner of taxes, and the office of such commissioner shall then be abolished, and no officer shall hereafter be elected, and the secretary of the board of assessors shall receive the same salary as is now paid to the deputy tax commissioner.*—*Laws of* 1862, *Chap.* 63, *as amended by Laws of* 1865, *Chap.* 721, *Sec.* 7.

Term of office.

(a) The term of office of the several assessors of the city of Brooklyn is hereby fixed and declared as follows:

Martin Breen, to hold office until the first day of January, one thousand eight hundred and seventy-one.

Henry E. Ripley, to hold office until the first day of January, one thousand eight hundred and seventy-two.

* Secretary's salary fixed at $3,000 per annum.—[*Laws of* 1870, *Chap.* 222.]

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Thos. W. Field, to hold office until the first day of January, one thousand eight hundred and seventy-three.

John Doherty, to hold office until the first day January, one thousand eight hundred and seventy-four.

Joseph Smith, to hold office until the first day of January, one thousand eight hundred and seventy-five.

John Shearon, to hold office until the first day of January, one thousand eight hundred and seventy-six.

William A. Furey, to hold office until the first day of January, one thousand eight hundred and seventy-seven.

The term of office of each assessor after the respective termination of the terms aforesaid shall be seven years, and until his successors shall have been elected or chosen.

Mayor to nominate and supervisors to confirm.

Whenever the term of any assessor shall expire, the mayor shall nominate and the board of supervisors shall confirm his successors at some time between the first day of January and February, immediately succeeding the expiration of the term of office for which such assessor was elected or chosen.

In case of failure of mayor to nominate officers, to hold over.

In case of the failure of the mayor to nominate or the board of supervisors to confirm a person to fill the vacancy caused by the expiration of the term of such assessor within the period herein before fixed, then the person whose term of office has expired shall hold office until the first day of January next succeeding. And the person appointed to succeed any such assessor shall serve only for the remainder of the unexpired term of seven years following the seven years of his predecessor.—*Laws of* 1868, *Chap.* 635, *Sec.* 10.

Vacancies, how filled.

[Whenever the office of any member of the board of assessors of the city of Brooklyn, shall become vacant by reason of the death or resignation of any such member, the mayor, by and with the consent of two-thirds of all the city supervisors convened shall appoint a successor to such member. The successor so appointed shall hold his office for the same period of time that the person to whom he has succeeded would have done, had he continued to hold such office.—*Laws of* 1870, *Chap.* 221.]

Assessor's power to examine under oath.

§ 60. The said assessors shall have power to examine, upon oath, every person whom they shall believe ought to be assessed for his personal property, and shall also have power to examine, under oath, such other persons, as witnesses in relation thereto, as they may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before them. Any person who shall refuse to make, under oath, a full disclosure of all the facts necessary to enable the assessors to make a fair and just assessment of his personal property, when duly called upon by the assessors to do so, or to an-

swer such questions as may be put to him in relation thereto, shall be assessed a gross sum, which in their judgment will be to the full amount of his personal estate, and shall forfeit for one year all the rights and privileges given to persons aggrieved by the assessment of assessors by the law "for the assessment and collection of taxes."

Ward maps.

§ 61. All assessment of land for taxes for general purposes, or for benefit from local improvements, shall refer to the ward maps, when they shall exist, and when a portion of any lot or piece of land shall be taken for any improvement, the residue thereof shall be deemed to be held for any assessment previously laid thereon remaining unpaid. In case ward maps do not exist for any ward or wards, the common council shall, as soon as in their judgment it is advisable, direct the same to be made.—*Laws of* 1862, *Chap.* 63.

President and secretary.

§ 62. The board of assessors shall elect one of their number president, and appoint a competent person as their secretary,* who will make out the assessment lists, under the direction of said board, and perform such other duties as may be required of him by said board or the common council. The common council shall provide a suitable room for said assessors, in which they shall transact their business; and the assessment rolls of the several wards, when completed, shall be left for inspection and examination by any person interested and of which the assessors shall give due notice as required by law, and the said assessment rolls shall be open for inspection during thirty days from the time of the first publication of such notice.

Clerks and assistants.

§ 63. The said board of assessors are hereby authorized, by and with the consent of the board of aldermen of said city, to appoint so many additional clerks and assistants, not exceeding four in number, to assist them in their proper discharge of the duties of their office. The salary of such clerks and assistants shall be fixed by the said board of aldermen, and payable as salaries of other city officers.—*Laws of* 1871, *Chap.* 561, *Sec.* 9.

Board of assessors—power to review and correct assessment rolls.

§ 64. It shall be the duty of the said assessors to attend during such examination and review and correct said rolls as may be just and proper. The commissioner of taxes† shall cause copies of such corrected rolls of each ward of said city respectively to be made out, and after being duly sworn to by at least two of the assessors, according to the

* Term of office of Secretary fixed at five years.—Laws of 1868, Chap. 665, Sec. 10.

† The office of tax commissioner having been abolished, this duty devolves now upon the board of assessors.

TITLE IV, oath provided by law in regard to assessment rolls in the different towns of this state, and further to the effect that they have together personally examined, within the year past, each and every lot or parcel of land, house, building, or other accessible property within the ward, to be delivered to the board of supervisors of the county of Kings, which board shall proceed thereon in the manner required by law for the laying and collecting of taxes. The commissioner of taxes shall have power to apportion between the different owners of any piece or parcel of land any tax or assessment for benefit remaining unpaid thereon, upon receiving an affidavit showing the true limits and extent of each interest; but such apportionment shall not be effectual unless the same be certified to the collector of taxes and assessments, and a minute thereof duly entered on the original tax or assessment lists; and if returned as unpaid also on the account of unpaid taxes in his office. The amounts so apportioned shall be liens upon the pieces of land and property to which they shall be apportioned respectively, the same as if they had been originally so taxed or assessed. The commissioner of taxes shall have power to rectify any errors committed in the laying of any tax or assessment, as well as for the general purposes of said city as for any local improvement therein, in the following cases:

Clerical errors. 1. When the error is entirely clerical.

Mistakes. 2. When the mistake is in the name of the party taxed or assessed.

Errors. 3. When the quantity of the real estate or nature of the buildings thereon shall be erroneously given.

Personal property. 4. When the personal estate shall be over-estimated, and the party assessed shall have been absent from the city for the thirty days the books shall have been open for examination and correction. Such power can be exercised only upon the application of the aggrieved party or his agent, supported by an affidavit setting forth the facts, and no correction shall be valid until it shall be certified to the collector of taxes and assessments, and duly entered on the original tax and assessment list in his office. Any person who shall, by reason of being erroneously taxed or assessed, pay a tax or assessment for benefit upon real estate in said city belonging to another person or persons, shall be entitled to receive the same back from the collector of taxes and assessments, at any time before the expiration of the warrant of such collector, provided no change shall have been made in the title of ownership of such real estate subsequently to the levying of such tax or assessment for benefit; and in case of such repayment, the collector shall correct the tax or assessment list, noting the facts therein, and such corrected tax and assessment shall be a valid lien upon

the land, the same as if it had not been erroneously paid. After the expiration of the time of the warrant of the collector without repayment by him, or in case of any change or title of ownership, as aforesaid, the person so erroneously paying a tax or assessment as aforesaid shall have a right of action to recover, in any court having jurisdiction of the amount, from the party owning the real estate at the time of levying such tax or assessment, the sum which he shall have paid erroneously as aforesaid.—*Laws of* 1862, *Chap.* 63.

Apportionment of proceeds of sale of lands for taxes.

§ 65. In cases where any piece or parcel of land shall be sold for any tax thereon, and there shall be separate interests, divided or undivided, at the time of levying such tax, and the same shall be made to appear to the satisfaction of the commissioner of taxes by affidavit, he may apportion the amount for which said land shall have been sold between the several interests, and the provisions of law applicable to the redemption of lands from sales for taxes shall apply to the several interests and amounts apportioned.—*Laws of* 1863, *Chap.* 431.

Assessment roll of valuation to be completed June 1st, annually.

§ 66. The board of assessors of the said city are hereby authorized and directed to have made up and completed by the first day of June, annually, after the year one thousand eight hundred and seventy-one, their assessment roll of valuation of property in the several wards in said city, and their books containing their estimate of valuation, shall be open for review and correction as now provided by law, during the month of June in each year.—*Laws of* 1871, *Chap.* 561, *Sec.* 8.

Compensation of assessors and secretary.

§ 67. The common council shall fix an annual compensation for such assessors and secretary, to be levied in the annual tax, and may, by ordinance, regulate the duties under the foregoing provision, and remove such assessors for incompetency or neglect of duty.*

Assessors, general powers of.

§ 68. All provisions of law now applicable to the assessors of Brooklyn, or towns of this state, in relation to assessment and collection of taxes in said city, not inconsistent with this act, are hereby declared to apply to the assessors elected under this act.

[Every certificate of sale of land for an unpaid tax or assessment shall cease to be a lien on the premises described therein, unless application be made to the collector by the holder thereof for a conveyance as herein provided, and such certificate be left with the collector for that purpose within three years from the date of such certificate, and no conveyance shall be granted of such lands after that time. All

* Salary of assessors fixed at $3,500 per annum, and of secretary at $2,000 per annum.—Laws of 1870, Chap. 221.

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Certificates of sale of lands for taxes.

certificates of sale of lands for unpaid taxes and assessments shall cease to be a lien on lands therein respectively described after one year from the passage of this act, unless the same shall be presented to the said collector for a conveyance; provided, nevertheless, that in all such last-mentioned cases, where not more than two years shall have elapsed since the date of any such certificate, such time less than two years shall be added to the one year herein mentioned within which such certificate shall be presented to the collector and left with him for the purpose of a conveyance; provided, nevertheless, that in all cases notice be first filed by some person claiming an interest in the lands and premises described in such certificate with the said collector of taxes and assessments at least six months before the expiration of the time limited as aforesaid for executing a conveyance thereof; and further provided, that if in any case no such notice shall be filed before the expiration of such time, then such time is hereby extended in such case until the expiration of six months after such notice as aforesaid shall be given, and at the expiration of such six months said lien shall in such cases cease unless a conveyance shall in the meantime be given as aforesaid.—*Laws of* 1865, *Chap.* 721, *Sec.* 12.

Power to lay out streets in the first five wards.

§ 69. The common council shall have power to lay out streets within the first five wards of the city where such improvements may be deemed proper, although the same have not been laid out on any public map of the town, village or city of Brooklyn, and to extend or lengthen streets heretofore laid out by law in any part of said city, upon a written application of a majority of the persons owning the property on the portion of the street to be added by such extension. All provisions of law applicable to such improvements, and to the opening and subsequent improvement of streets, shall be applied to the streets to be laid out, extended or lengthened; and all such provisions are hereby extended over and applied to the land covered with water between the line of bulkhead as now actually existing and the permanent water-line as heretofore established by law, and lying north and east of the westerly line of Fulton street, continued out to such water line; and the city of Brooklyn shall have jurisdiction over such land covered with water for the purpose of making such improvement.

Proceedings when parts of streets have been stricken from the map.

§ 70. Whenever commissioners shall be appointed in relation to opening any streets, or part of streets in said city, if any portion of said street shall be afterwards stricken from the commissioners' map of said city (being the plan of streets thereon), the proceedings for opening said street shall be continued for the purpose of opening the portion of said

street not so closed, with the same effect as if the original proceedings had been for the opening of the part of the street not so closed or stricken from said map; and this provision shall apply to the proceedings for the opening or widening of streets now pending, and the same shall be completed with the same effect as regards that portion of the street the opening or widening of which has been petitioned for, and which has not been stricken from said map, as if the proceedings had been conducted for the purpose of opening or widening that portion of the street only. —*Laws of* 1868, *Chap.* 635, *Sec.* 11.

Commissioners of city works cause surveys, maps and profiles to be made —expense to be raised by tax.

§ 71. The board of commissioners of city work of said city is hereby authorized and directed upon the requisition of the collector of taxes or the board of assessors of said city respectively, to have prepared by such city surveyors as he may select, and on his direction, and to furnish such surveys, maps and profiles as the said collector of taxes or the board of asssessors respectively may from time to time require, and the annual expense of all such surveys, maps and profiles shall be raised by tax in the same manner as moneys are now raised to defray the expenses of said city, provided, however, that said commissioner shall not incur on behalf of the said city any greater expense than the rates fixed by the city ordinances for such surveys, maps and profiles.—*Laws of* 1871, *Chap.* 561, *Sec.* 11.

TITLE V.

OF THE COLLECTION OF TAXES AND ASSESSMENTS.

SEC. 1. Collector of taxes, &c., to be elected—office hours.
2. " bond of.
3. " may be suspended.
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6. " assistant, powers of—notice of completion of tax rolls to be given.
7. " sureties of may be required to renew bonds.
8. Three per cent. to be added to tax.
9. Use of public money declared a felony.
10. Assessment rolls, when to be delivered to collector—abstract of assessment for local improvements to be furnished him—assessments may be received before time for final payment.
11. Warrants of board of supervisors and common council.
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16. Collector's report to be compared with original tax rolls.
17. Suits to be brought against collector for failure to pay over.
18. County treasurer and comptroller may receive taxes and assessments.
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21. Attorney and counsellor to report upon void or invalid proceedings—new proceedings may be taken.
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23. Proceedings to be taken in unpaid assessments where no property can be found upon which to levy.
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SEC. 26. Proposals to be sold for unpaid taxes—proceedings in relation thereto.
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28. Copy of said notice to be filed in collector's office.
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32. Collector to note all payments made to him of arrears of taxes and assessments.
33. Conveyances to be executed of lands sold for taxes.
34. Names of owners of property assessed, when to be mentioned.
35. Registrar of arrears.
36. Tax certificates.
37. Purchases at tax sale on behalf of city authorized.
38. Tax arrears devoted to redemption of tax certificates.
39. Money corporations may purchase tax certificates.
40. Repealing clause.

Collector of taxes and assessments to be elected—office when to be kept open.

SECTION 1. There shall be elected at the election in November, eighteen hundred and fifty-six, and every third year thereafter, a collector, who shall hold his office for the term of three years, and until his successor shall be elected in his place and duly qualified, to be called the collector of taxes and assessments of the city of Brooklyn. The common council shall provide a suitable office, which shall be kept open during such hours as the common council shall designate, on each day in the year, except Sundays and such holidays as shall be observed by the general custom of said city, or by recommendation of public authority.—*Laws of* 1855, *Chap.* 199.

[The office of collector of taxes and assessments of the eastern district of said city, created by section first of title fifth of the act hereby amended, shall be and is hereby abolished, from and after the first day of December, one thousand eight hundred and fifty-five, and all local distinctions now recognized by law in relation to the eastern and western districts of said city are hereby abolished, except so far as relates to the fire department thereof.—*Ibid, Sec.* 2.]

Bond of collector.

§ 2. The said collector shall execute a bond to the city of Brooklyn, with at least two sureties, who shall be freeholders in the county of Kings, in such penalty, not less than one hundred thousand dollars, as the common council shall direct, conditioned for the faithful performance of the duties of his office, and for accounting and paying over as directed by law, all moneys which shall be received by him as such collector. Such sureties shall severally justify, under oath, to be endorsed on said bond, in sums which, together, shall constitute at least double the amount of the penalty of the bond, to be approved by the common council. The bond shall be filed with the clerk of the county of Kings; and if not filed within twenty days after the collector shall be notified of his election, the office shall be deemed vacant; and no collector shall enter upon the duties of his office until said bond shall be duly executed, approved and filed. The collector's sureties shall also be re-

newed during the term of his office, whenever and as often as the common council shall direct, and if not so renewed within twenty days after the notice to the collector, his office shall be deemed vacant.

Collector may be suspended.

§ 3. The common council may by resolution, suspend the collector for official neglect or misconduct, in which case they shall immediately cause written notice, with a copy of the charges thereof, to be left at his office; they shall then proceed to investigate the charges against him, and if such charges are sustained, may remove him from office in the manner hereinbefore provided, for removal of other officers of the city government.

Assistant collector.

§ 4. The collector may, as soon as may be after he has taken upon himself the execution of his office, appoint some proper person assistant collector of taxes and assessments, to hold his appointment during the pleasure of such collector, and he shall, as often as a vacancy shall occur in the office of assistant collector appoint another in his place; and whenever a vacancy shall occur in the office of collector, the said assistant collector shall execute the powers and discharge the duties of collector until another collector shall have been appointed.

Deputy collectors.

§ 5. The collector may, also, with the consent of the common council appoint as many deputies as he may think proper, who shall hold their appointment during the pleasure of the common council. Every appointment of an assistant collector, or of a deputy collector, shall be in writing, under the hand and seal of the collector, and shall be filed in the office of the clerk of the county; and every such assistant or deputy shall, before he enters on the execution of the duties of his office, take the oath prescribed in the constitution, and the collector may require of him a bond and sureties for the performance of his duties. Any default or misfeasance in office of such assistant or deputy shall be deemed to be a breach of the condition of the bond given by the collector who appointed him.

Additional clerks provided for.

[The collector of taxes and assessments shall have power to appoint the same number of assistants, deputies and permanent clerks as are now employed in his office, and six additional permanent clerks to take the place of temporary clerks heretofore employed, and such further number of permanent clerks as the common council may designate from time to time. The said assistants, deputies and clerks may hold their appointments during the pleasure of the collector of taxes and assessments. The salaries of such additional clerks shall be the same as the other clerks receive. —*Laws of* 1866, *Chap.* 35.]

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Powers of Assistant collector

§ 6. The assistant collector shall have the same power as the collector, except that of the appointment of deputies; and the collector, assistant collector and deputy collectors shall have the same powers as the collectors in the several towns in this state; but such assistants and deputies shall, in the exercise of their powers, be subject to the direction and control of the collector.

Notice to be given that tax rolls have been completed, and for the payment of taxes.

[It shall not be necessary for the collector to call upon the persons taxed, in the annual tax rolls, or at their place of residence, and demand the taxes, in cases where such taxes are for real estate; nor shall it be necessary for him to levy any such tax upon real estate by distress and sale of the goods and chattels of the persons who ought to pay the same; but he shall, upon receiving such annual tax rolls, cause a notice to be published for thirty days in all the public newspapers of the said city that the said tax rolls have been completed and delivered to him for the purpose of collecting the taxes mentioned therein, and that all taxed persons are required to pay their taxes at his office, in the City Hall, without delay, under the penalties of the law. He shall annex to such notice, and publish therewith, a copy of the fourteenth section of this title.—*Laws of* 1862, *Chap.* 63.]

Collector may be required to renew bond, and sureties discharged.

§ 7. If any person who shall have become surety for the collector shall, by notice in writing, to be served on the mayor or clerk of the common council, require the said collector to renew his official bond, such person shall be discharged from all future liability as such surety from and after the settlement of the accounts of the collector for moneys received prior to such discharge, who shall be required to make such statement within thirty days after notice from the common council to that effect.

Three per cent. to be added to every tax.

§ 8. There shall be added to and included in every tax and assessment levied and assessed in the city of Brooklyn, the sum of three per cent. upon the amount of such tax and assessment for the expense of collection, which, together with the amount to be added for neglect to pay within the time specified in the warrants of the collector, as hereinafter provided, shall be for the use of said city.

Compensation for collector and assistants.

The common council shall fix the salary or other compensation to be paid to the collector, his assistant and deputies, and pay the same to them out of the moneys raised by tax for city purposes; and neither the said collector nor his assistant or deputies shall receive any other or further compensation for services or for other expenses of their office: but the common council shall provide for said collection all necessary desks, furniture, fuel, lights, books and blank forms.

Use of collectors or assistants of money collected declared a felony.

§ 9. If any collector, assistant collector or deputy collector shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, in any way, any portion of the moneys received or collected by him as such collector, assistant or deputy collector, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, invested, used or loaned, which is hereby declared to be a felony, punishable by imprisonment in a state prison for a term not exceeding five years.

Assessment rolls, when to be delivered to the collector.

§ 10. The board of supervisors of the county of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the collector on or before the first day of October, in each year; and the common council shall cause every assessment roll made for any improvement in said city, or fair copies thereof, with a warrant for collection, to be delivered to said collector within ten days after the same shall be finally confirmed. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the board of commissioners of city works and the attorney and counsel for the city, which certificate shall be endorsed upon or annexed to the assessment roll, and shall be conclusive evidence as to the regularity of the proceedings.

Abstract of assessment for local improvement to be furnished collector

[The board of assessors of the city of Brooklyn are hereby directed to furnish to the collector of taxes and assessments of said city an abstract of each of the assessments for local improvements in said city, the amount of which is directed by law to be included in or collected with the general taxes levied in said city, showing first the amount of the respective assessments upon such parcel of land assessed, less any amount paid thereon; secondly, the installments which are to be collected in each year upon each lot, with interest added in those cases in which interest is collected.—*Laws of* 1871, *Chap.* 561, *Sec.* 15.]

Collector authorized to receive assessments before time for final payment.

[The collector of taxes and assessments aforesaid is authorized to receive the total amount of any said assessment upon any piece or parcel of land at any time before the time fixed for the complete payment thereof, with interest thereon to the time of payment, and any defaults accrued thereon, and upon such payment shall cancel such assessment upon the piece or parcel of land the assessment upon which is so paid.—*Ibid*, *Sec.* 16.

Warrants of board of supervisors and common council.

§ 11. The warrants of the board of supervisors shall be under their hands and seals, or the hands and seals of a ma-

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jority of them, and shall require the collector out of the moneys to be collected, to pay over to the city treasurer such sum as shall be raised for the city purposes, and to the county treasurer the residue of said moneys, within one hundred and eighty days from the date of such warrants. The warrants of the common council shall be signed by the mayor, and shall be under the corporate seal of the city, attested by the clerk, and shall require the collector to pay the moneys to be collected to the city treasurer within one hundred and twenty days from the date thereof; and to collect from the several persons named in the assessment roll annexed thereto the several sums mentioned in the last column of such roll opposite to their respective names, and shall not be renewed except in cases where the collection has been stayed by any legal proceedings; and in such cases the common council shall have power, after the cessation of such stay, to cause new warrants to be issued to the collector for the full term of one hundred and twenty days, as if no previous warrant had been issued. This provision shall apply to all cases where the collection has been or hereafter may be stayed by any legal process or proceedings.

Abstract of tax rolls to be prepared by collector.

§ 12. As soon as practicable after the annual tax rolls shall have been delivered to the collector, he shall, in books to be provided for that purpose, prepare an abstract of said rolls, adding thereto all taxes and assessments as shall from time to time thereafter become chargeable upon such property, to the end that such abstract shall at all times exhibit in a condensed form all existing charges against the property as accurately as possible.

Collector to pay over to city treasurer all moneys on same day received, and to county treasurer weekly

§ 13. The collector shall receive the taxes and assessments mentioned in said rolls, and shall on the same day that he receives the same, pay over to the city treasurer all moneys which shall have been received by him for taxes and assessments for city purposes, or for local improvements, and render to the comptroller of the city a just and true account of the same. He shall also every week, and as much oftener as required by the city treasurer, at the collector's office, render a like account of moneys received for taxes payable to the county treasurer, and at the same time pay over such moneys to the said county treasurer.

Taxes and assessments paid within thirty days from delivery of assessment roll to be received without charge.

§ 14. All taxes and assessments which shall be paid to the collector within thirty days after such tax or assessment roll shall have been delivered to him, shall be received by him without any additional charge; on all taxes or assessments which shall be paid him after the expiration of thirty days, and within sixty days after such delivery, he

shall add one per cent., and one per cent. shall be added for every thirty days thereafter until such tax or assessment shall be paid, when such percentage shall amount to ten per cent., from which interest at the rate of seven per cent. shall be added.

Unpaid taxes to be reported to county treasurer and comptroller.

§ 15. If any of the taxes mentioned in the assessment rolls annexed to the warrant from the board of supervisors shall remain unpaid at the expiration of one hundred and eighty days from the time said assessment rolls shall be delivered to the collector, and he shall not be able to collect the same, he shall deliver to the county treasurer an account of the taxes so remaining due, with an affidavit that the same is a true account of the taxes remaining unpaid, and that he has not been able, upon diligent inquiry, to discover any goods and chattels belonging to or in possession of the persons charged in said rolls for personal taxes, whereon to levy the amount of such personal taxes, he shall be credited by the county treasurer with the amount thereof, and if any of the assessments mentioned in the assessment rolls annexed to the warrant from the common council, for the collection of assessments for benefits, shall remain unpaid at the expiration of the said one hundred and twenty days, and he shall not be able to collect the same, he shall deliver to the comptroller of said city an account of the assessments so remaining due, with an affidavit as hereinafter mentioned.—*Laws of* 1862, *Chap.* 63.

County treasurer and comptroller to compare report with original tax roll.

§ 16. The county treasurer and comptroller respectively shall, upon receiving such amount of unpaid taxes and assessments, compare the same with the original tax or assessment roll, and if he finds it to be a true transcript thereof, he shall add to it a certificate showing that he had compared the account with the tax or assessment roll and found the same correct; and after crediting the collector with the amount, shall, within fifteen days after receiving such account, transmit the account, certified as aforesaid, with the collector's affidavit, back to the collector of taxes and assessments rendering such account.

Suit to be brought against collector and sureties for failure to pay over within time specified.

§ 17. If the collector shall refuse or neglect to pay to the city treasurer or the county treasurer the sum required by their warrants respectively to be paid them, or either of them, or to account for the same if unpaid, as hereinbefore provided, within twenty days after the time when such payment ought to have been made, the common council shall, upon receiving notice thereof, from the county treasurer or comptroller, cause the bond of such collector to be put in suit, and shall be entitled to recover the sum due from such

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collector with costs of suit; and the moneys recovered shall be applied and paid by the common council in the same manner in which it was the duty of the collector to have applied and paid the same.

When county treasurer and comptroller may receive taxes and assessments.

§ 18. The county treasurer and comptroller, may respectively, receive any tax or assessment while such accounts are in their hands, charging the additional percentage thereon, as hereinbefore provided. They shall give a receipt for such payments, and make return thereof to the collector of taxes and assessments, who shall note such payment on the original tax or assessment roll, or copy thereof, in his office.

County treasurer may reject taxes under certain circumstances.

§ 19. Before any account of unpaid taxes shall be transmitted by the county treasurer to the collector of taxes and assessments, he shall examine them, and reject all taxes which shall be found to be charged for personally, or on lands imperfectly described, and shall furnish and transmit a certified statement of the same to the comptroller and the collector of taxes and assessments, and the supervisors of the county, and shall from time to time furnish to the common council, or its officers, a full statement of the taxes remaining unpaid, or of the sale of any lots or pieces of land for taxes, as may be called for by the common council.

Rejected taxes to be levied in next assessment roll.

§ 20. The said supervisors shall cause the amount of rejected taxes to be levied, in the next assessment rolls, on the taxable property of the respective wards in which they were before levied, and shall direct the same to be collected with the other taxes next collected in such wards; and the board of assessors shall cause such descriptions to be correct in the next assessment rolls.

Attorney and counsel to report proceedings or assessments when void from irregularity.

§ 21. Whenever the attorney and counsel of the city shall be of opinion that any proceedings or assessments for local improvements are invalid and void by reason of irregularity in the conducting or laying of the same, he shall forthwith report such opinion and the reasons therefor to the common council of the said city, and the common council shall enter an order in their minutes of proceeding declaring such assessment invalid and void, and the said assessments shall thereupon be held and deemed to be invalid and void, and the said common council are hereby authorized and empowered to cause the amounts of such assessments to be re-assessed, and to have new proceedings taken and re-assessments made in the same manner as the original proceedings and assessment should have been made, and such new proceedings and re-assessments shall have the same effect as the original proceedings and assessments would have had they been properly taken and made.—*As amended by Chap.* 635, *Laws of* 1868.

New proceedings and re-assessments to be taken in such cases.

Action to be taken by common council in case of unpaid assessments rejected for want of jurisdiction.

§ 22. The common council, in case any such unpaid assessments shall be rejected for want of jurisdiction in making the improvements, shall cause the expense of the proceedings and all damages consequent thereon to be added to the amount directed to be laid in the next annual taxes for city purposes, and when collected to be paid to the parties who shall be entitled thereto. Whenever any moneys shall have been paid for an assessment, and a re-assessment shall be made in pursuance of this section, the amount shall be credited on such re-assessment to the property on which the assessment was made; and in case of any alteration on the re-assessment whereby the amount so paid shall exceed the amount re-assessed on the same property, such surplus shall be paid to the person who shall have paid the same; and in case it shall be insufficient to pay the amount re-assessed, the deficiency shall be collected in the same manner as other assessments.

Proceedings to be taken in case of unpaid assessments, when no property can be found upon which to levy.

§ 23. Upon affidavit being made before the comptroller, or before any other person authorized to administer oaths in the county of Kings, by the collector to whom any warrant for the collection of any assessments shall be delivered as aforesaid, his assistant or one of his deputies, that the sums mentioned in any such account of assessments rendered to the comptroller by him remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of the persons residing in the city of Brooklyn charged with or liable to pay such sum whereupon he could levy the same, and that within forty days after the warrant was delivered to him he caused a written or printed notice to be served personally on or left at the place of residence of the person or persons charged with or liable to pay such assessment, if a resident of the city, if not a resident of the city, that he has deposited a notice in one of the post offices in said city, addressed to the person or persons assessed, at his, her or their last place of residence, and that he has also caused a notice to be published in the corporation newspapers of the district, designated as provided by this act, once a week for six weeks successively, prior to the expiration of his warrant, which notice shall contain the name or title of the improvement, the names of the persons who have not paid, the amount due from each, the time when the warrant will expire, and that the property assessed will be returned for sale if such assessment be not paid, such collector shall be credited by the comptroller with the amount of said account.

[See Title V, Section 24, *et seq.*, of the "act to revise and amend the several acts relating to the city of Brooklyn," passed April 4th, 1850. It is there provided that upon the

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filing of a copy of the affidavit above mentioned, together with a copy of the warrant, assessment roll and account above mentioned, certified by the comptroller, in the office of the county clerk, the said clerk shall thereupon enter, in a book to be kept for that purpose, separate judgments in the Supreme Court, in the name of the city of Brooklyn, against each of the persons named in said account for the sums therein stated to be due from each person, and five dollars costs; and the papers so filed shall be the judgment roll in each of said actions. It is further provided that executions shall issue on said judgments, subject to all laws relating to the service and return of executions, but none of the real property of the defendant to be sold under such execution other than that which was originally assessed. Upon the return of the execution unsatisfied, the street commissioner was directed to advertise and sell the property —a duty which is now performed by the collector of taxes. That portion of the law providing for thus entering judgment and issuing execution against defaulting tax-payers has not been formally repealed, though practically superseded by the act of consolidation. See also Laws of 1863, Chapter 216, which provides for canceling judgments entered under the former act when the assessment has been paid.]

List of unpaid taxes to be published.

§ 24. Whenever any tax or assessment shall remain unpaid, and the rolls containing the same shall have been redelivered to the collector by the county treasurer or comptroller, as aforesaid, such collector of taxes and assessments shall cause lists thereof, signed by him, to be published in the corporation newspapers of the district, designated as provided by this act, together with a notice requiring the same to be paid, with interest as aforesaid, and expenses on or before a certain day, to be therein designated, which shall not be less than twelve weeks from the first publication thereof. Such list and notice shall be published once a week for twelve weeks successively in the corporation newspapers, describing, with all convenient certainty, the land taxed or assessed, specifying the street, avenue or road on which it fronts, on which side thereof, and near or between what streets it may lie, together with the name of the person to whom the same was taxed or assessed, and the name of the present owner when known to the collector.

Printers to furnish affidavits of publication.

§ 25. Every printer by whom any such list and notice shall be published shall, within ten days after the last publication thereof, deliver to the collector of taxes and assessments, signing the same, an affidavit of due publication, made by some person to whom the fact of publication shall be made known.

Property to be sold for unpaid taxes—proceedings to be had in relation thereto.

§ 26. If any such tax for general purposes or assessment for benefit or local improvement shall remain unpaid on the day specified in said notice, the collector shall proceed to sell by public auction, at the City Hall of said city, the property on which said tax or assessment for benefit shall have been imposed, for the lowest term of years for which any person will take the same, and pay the amount of such tax or assessment for benefit, with the interest and expenses, and he shall continue the sale from time to time until all such lands shall be sold. The collector shall make it an absolute condition with all persons purchasing at such sale that payment be made (within forty-eight hours) after the close of the sale of each day, and it will not be sufficient for him to receive any sum or sums in part, but all moneys received by him must be in full payment of the tax or assessment for benefit, together with the interest and expense which shall have accrued thereon at the date of sale. Any neglect, failure or refusal on the part of any purchaser or purchasers to comply with this condition (which shall be read by the collector at the time of commencing the sale each day) shall render such sale void and of no effect; and it shall be the duty of the collector, on the first day to which the sale shall have been adjourned, to re-sell the same at the lowest term of years for which any person will take the same and pay the amount of such tax or assessment for benefit, with the interest and expenses thereon, and until such re-sale has been effected any person owning such property shall have the right to redeem same as though no sale had been made. Any collector who shall knowingly, or for any purpose whatever, make or cause to be made, any false record in relation to the terms of sale, or any false record of the transactions at such sales, or shall refuse to allow the person or persons entitled to redeem any property so sold to redeem the same as herein provided, shall, in addition to the forfeiture of office, be deemed guilty of a misdemeanor. The collector shall deliver to the purchaser complying with the terms of any such sale a certificate of such sale, and note the same on account of unpaid taxes and assessments for benefit, as the case may be transmitted to him by the county treasurer and comptroller, and also on the original tax or assessment rolls, and on the abstracts hereinbefore directed to be kept in his office. Such certificate of sale shall be recorded in the collector's office, in proper books to be kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in the office of the collector of taxes and assessments.—*Laws of* 1862, *Chap.* 63.

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Six months' notice of sale to be given by purchaser to owners, etc.

§ 27. No owner whose deed, or in case he holds such property by descent or devise, the deed of his ancestor or devisor, shall have been duly recorded in the office of the register of the county of Kings, before the sale thereof for any tax or assessment for benefit, and no mortgagee, lessee or assignee of either, whose mortgage, lease or assignment shall have been so recorded, shall be divested of his rights in such property by reason of such sale, unless six months' notice in writing of such sale shall have been given by the purchaser, or those claiming under him, to such owner, mortgagee, lessee or assignee personally, if a resident in the county of Kings or a county adjoining thereto; or if such owner, mortgagee or lessee be not such resident, then by depositing such notice in one of the post offices of said city, directed to the owner, mortgagee, lessee or assignee, at his place of residence as stated in the deed, lease, mortgage or assignment of such mortgage or lease.—*Laws of* 1862, *Chap.* 63.

Copy of said notice to be filed in the office of collector.

§ 28. Within a month after the service of such notice it shall be the duty of the person serving or causing the same to be served, to file in the office of the collector of taxes and assessments of the district, a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken to be a creditable person, proving the due service of said notice.

Lands sold at tax sale may be redeemed, when and how.

§ 29. The owner, mortgagee or any other person interested in such land may at any time within two years after the sale thereof, for any unpaid tax or assessment for benefit, and before the expiration of the notice mentioned in section twenty-seven of this title, redeem said lands by paying to the collector of taxes and assessments, for the use of the purchaser thereof, or his assigns, the said purchase moneys, together with any subsequent assessment for benefit or tax, which the said purchaser may have paid, chargeable on said land, which he is hereby authorized to pay, provided a notice of such payment shall have been filed in the office of the collector of taxes and assessments, with interest at the rate of fifteen per cent. per annum in addition thereto, and also fifty cents for each notice given to any owner, mortgagee or lessee of a longer term than three years, provided due proof of such service of notice shall have been filed in said office; and provided further, that the whole amount paid for the service of said notices shall not exceed the sum of three dollars. The certificate of such collector acknowledging the payment and showing what land, and on account of what tax or assessment for benefit such payment is intended to redeem, shall be evidence of such redemption. Such redemption shall discharge

the land described in said certificate from the lien created by the assessment for benefit or tax, in respect of which such sale shall have been made, or by such sale or certificate.—*Laws of* 1862, *Chap.* 63.

Money to be refunded to purchaser.

§ 30. Upon receipt of such moneys by such collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, and all proceedings in relation to said sale shall cease; but if said moneys shall not be paid according to the exigency of said notice, such collector shall proceed to execute a conveyance of the property so sold, as hereinafter provided.

Case of idiot or insane owner.

§ 31. Whenever such collector shall receive satisfactory information that the land so sold belongs to an idiot or insane person, for whose estate no committee shall have been appointed, or to an infant having no guardian, he shall not execute a conveyance of their lands until at least one month after he shall have legal evidence that such disability has been removed, or a committee or guardian of their estate has been appointed. And until the expiration of said month such committee or guardian may redeem such land, in the manner hereinbefore provided.

Collector to note all payments made to him after account of unpaid taxes or assessments shall be sent back to him.

§ 32. The said collector shall note on the account of unpaid taxes, and also upon the original tax or assessment roll, or copy thereof in his office, all payments made to him after any account of unpaid taxes or assessments for benefit shall be sent back to him by the county treasurer or comptroller as aforesaid; and if any sale shall be made he shall also, in like manner, note that fact; and also any redemption or assignment of which he shall receive the notice hereinbefore required, and the memorandum of payment on any return of unpaid taxes, or abstract of assessments for benefit, or copy thereof, in the office of collector, shall be sufficient evidence of such payment. He shall also, forthwith upon receiving the same, render to the treasurer of the city an account of the proceeds of any sale for unpaid assessments for benefit, and of any moneys received or collected by him that may be paid to such treasurer, and at the same time pay over the said moneys received by him. And the said collector shall also render to the treasurer of the county an account of the proceeds of any sale for unpaid taxes, and of the moneys received or collected by him that may be paid to such treasurer, and at the same time pay over said moneys received by him.—*Laws of* 1862, *Chap.* 63.

Conveyance to be executed of lands sold for

§ 33. The collector shall execute to the purchaser, or his assigns, pursuant to the terms of sale, when the lands sold

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for any tax or assessment for benefit shall not have been redeemed as by this act provided, a proper conveyance of the lands so sold by him. Said conveyance shall contain a brief statement of the proceedings had for the sale of said lands, and shall be evidence that such sale and other proceedings have been regularly made and had according to the provisions of this act. He shall also, forthwith, note the same on account of unpaid taxes, or abstract of assessments for benefit, or copy thereof, kept in his office. The grantee named in said conveyance, his representative and assigns, shall be entitled as against all persons whomsoever to the possession of said premises, and to the rents, issues and profits thereof, pursuant to the terms of his or her conveyance, and shall be entitled to obtain possession of the lands described in such conveyance by summary proceedings, in the same manner as is provided by law for the removal of persons who hold over or continue in possession of real estate sold by virtue of an execution against them.

Names of owners of property, to be assessed when to be mentioned.

§ 34. No provision of law requiring the name of the owner of premises assessed or proposed to be assessed, to be mentioned, or requiring the names of resident and non-resident owners to be kept separate, shall apply either to proceedings for laying or levying the general taxes or local assessments in said city, or the tax or assessment rolls.—*Laws of* 1868, *Chap.* 635, *Sec.* 3.

Registrar of arrears.

§ 35. Within thirty days after the passage of this act, the commissioners of the sinking fund of the city of Brooklyn shall appoint a suitable person as a "registrar of arrears of taxes," who shall have his office in the City Hall, in such appartments as the common council may designate. The yearly salary of said officer shall be fixed by the common council of said city, together with the salaries of such clerks as may be appointed by said common council, on recommendation of said officer, which are, in his opinion, necessary to the proper transaction of the business of said office. He shall hold his office for the term of three years, from the first day of May of the year in which he shall be appointed; provided, however, that the person first appointed under and by virtue of this act shall hold his office only until May first, eighteen hundred and seventy-three, or until his successor shall be appointed. Before entering upon the duties of his office, he shall execute and deliver to said city a bond for the faithful performance of his duties in such penalty as shall be fixed by the common council of said city, and take such oath as is required by law.—*Laws of* 1871, *Chap.* 877.

Tax certificates.

§ 36. It shall be the duty of the collector of taxes and

assessments, together with the commissioners of the sinking fund, on or before the first day of July in each year, to estimate the amount of deficit there will be during the current year in the payment of all taxes then unpaid; and the said registrar is authorized and directed to issue, from time to time as may be necessary, certificates of indebtedness of said city, which shall be called "tax certificates," and shall bear interest not exceeding the rate of seven per cent. per annum, and be payable at the office of the comptroller at some date not longer than three years. They shall be signed by the said registrar, and mayor of said city, and countersigned by the city clerk, under the seal of said city; but such certificate shall not be issued for any amount exceeding the deficiency estimated as aforesaid, and as hereinafter provided. The certificate so issued shall be sold by or under the direction of the mayor and comptroller of said city, and the moneys arising therefrom shall be paid into the city treasury, in the same manner as moneys collected for taxes now are.—*Laws of* 1871, *Chap.* 877.*

Registrar authorized to purchase at tax sale on behalf of the city.

§ 37. Upon any sale for taxes in said city, it shall be lawful for said registrar to purchase, on behalf of said city, such parcels as he shall deem expedient, and certificates and conveyances shall be executed to him in the same form as is now provided by law to other purchasers. Upon all of such parcels so purchased by said registrar there shall be payable the same percentage of interest and allowance as are allowed to be charged by any other purchaser, and in default of redemption under such sales as now prescribed by law, the title to the said parcels shall rest in the city of Brooklyn, as in the case of any other purchaser.—*Ibid.*

Amount received from tax arrears devoted to payment of tax certificates.

§ 38. The amount paid in for arrears of taxes, after the first day of July in each year (except for taxes of such year,) together with all sums paid for redemption of parcels purchased by said registrar, shall be devoted to the payment of the tax certificates hereinafter authorized to be issued by said registrar. If the amounts received from these sources shall be insufficient at any time to meet tax certificates falling due or interest on same, other tax certificates shall be issued to meet such deficiency.—*Ibid.*

Moneyed corporations authorized to purchase tax certificates.

§ 39. Any bank, or other moneyed corporation, organized under and by virtue of the laws of the state of New York, shall have authority to purchase said tax certificates issued by said registrar, under and in pursuance of the provisions of this act.—*Ibid.*

Repealing clause.

§ 40. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.—*Ibid.*

*Amended by laws of 1872, Chap. 187, abolishing office of registrar of taxes and vesting powers and duties of same in collector of taxes and assessments.

TITLE VI

TITLE VI.*

OF CONTRACTS.

SEC. 1. Contracts exceeding $100 in amount, how to be made—when contracts shall be made or liability to pay money to be met by local assessment incurred—contracts to be awarded to lowest responsible bidder.
2. Penalty for fictitious or sham proposals.
3. Sureties to be owners of real estate in Brooklyn.
4. Aldermen empowered to cause repairs to be made in certain cases, cost not to exceed $100.
5. No alderman or supervisor to hold any official position, the compensation of which is from city treasury.
6. Comptroller to certify that money is in treasury for purpose before contracts are entered into.
7. Penalties for incurring expense when the money is not in treasury for the purpose.
8. Inspectors of contracts.
9. Lighting public lamps and repairing same.

Contracts exceeding $100 in amount, how to be made.

SECTION 1. The board of contracts, as established by chapter sixty-three of the laws of eighteen hundred and sixty-two, is hereby abolished, and the common council of said city of Brooklyn is hereby substituted in place thereof. All contracts exceeding in amount the sum of one hundred dollars shall be made in the following manner: whenever any work, materials or improvements shall have been duly declared to be necessary by said common council, they shall authorize the board of the commissioners of city works, and it shall be their duty to advertise in the corporation newspapers published in said city for at least ten days, inviting bids or proposals therefor, under seal, which bids or proposals shall be receivable by the mayor up to the hour of meeting of the regular meeting of the common council next succeeding the expiration of said ten days. All such bids shall be opened publicly at such regular meetings of the said common council, and shall be opened and publicly announced at such meeting, with the name of the bidder, the rate or amount proposed, and the names of the sureties; and before awarding any contract all the bids or proposals received shall be published for at least one week in the newspapers aforesaid, except in case of sudden emergency a contract may be awarded as aforesaid by a two-third vote of the common council upon two days' advertisement. All contracts shall be awarded to the lowest bidder, and executed by the mayor and board of commissioners of city works and attested by the city clerk.—*Laws of* 1865, *Chap.* 721, *Sec.* 2.

When contracts shall be made or liability to pay money to be met by local assessment incurred.

[And no contract shall be made, or liability to pay money incurred, the expense of which is provided by law to be met by local assessment, until the jurisdictional and other proceedings for and in the assessment have been examined and

*In the Charter, or Consolidation Act of 1854, Title VI. referred to the police department; by subsequent legislation the control of the police force was taken from the common council, and by Laws of 1862, Chap. 63, the present title was introduced.

certified to be correct and sufficient by the board of commissioners of city works and attorney and counsel.—*Laws of* 1865, *Chap.* 721, *Sec.* 14.]

[By Laws of 1870, Chap. 258, Section 2, it is provided that "sub-division three, of section thirty-three, of the laws of eighteen hundred and sixty-two is hereby amended by adding at the end of said sub-division after the word 'assessment' as follows: 'and all contracts shall be awarded to the lowest responsible bidder, whose proposal shall in the opinion of said common council be for the best interests of the city.'"]

Contracts to be awarded to lowest responsible bidder.

§ 2. Any person who shall wilfully or knowingly make, offer or put in, or cause to be made, offered or put in, any fictitious or sham bids or proposals, or propose any fictitious or sham security in any bid or proposal, or offer any security other than as hereinafter provided, shall, on conviction thereof, be held guilty of a misdemeanor, and be punishable therefor.—*Ibid, Sec.* 3.

Penalty for fictitious or sham proposals.

§ 3. All sureties offered or proposed in any bids or proposals, or any contract, shall be the owners of real estate in the city of Brooklyn in their own right to the amount of such surety, and shall have held the same for at least one year prior to becoming such surety.—*Ibid, Sec.* 4.

Sureties to be owners of real estate in Brooklyn.

§ 4. In case any street, public building, highway, sidewalk or bridge shall become dangerous in consequence of any break, leakage, hole or other damage, the board of commissioners of city works shall, on the written application of the alderman of the ward in which such work may be required to be done, forthwith examine the same, and if the cost of repairing the same shall not exceed the sum of one hundred dollars, he shall, on the written assent of such alderman, cause the said work to be done without delay.—*Ibid, Sec.* 5.

Aldermen empowered to cause repairs to be made in certain cases, cost not to exceed $100

§ 5. No alderman or supervisor of said city hereafter to be elected shall, during his term of office or any part thereof, hold any other office or official position whatever, the pay or emolument of which shall directly or indirectly be paid out of the city treasury, revenue or income fund of said city; and the holding of any such other office or official position shall be deemed and held to be a vacation of such office of alderman or supervisor, as the case may be. —*Ibid, Sec.* 6.

No alderman or supervisor to hold any official position, the compensation of which is from the city treasury.

§ 6. No contract or agreement for any purpose involving the payment of any money shall be valid and binding against said city unless the comptroller shall certify or endorse on such contract or agreement that the moneys re-

Comptroller to certify that money is in treasury for purpose before contracts are entered into.

TITLE VI. quired to be paid by such contract are in the treasury and applicable to such payment, and in excess of such amount as may be required to pay existing or prior contracts. Any such endorsement falsely made shall be a misdemeanor, and the offender, on conviction thereof, shall cease to hold his office, and his official term shall cease and determine, and the common council shall appoint some suitable person to discharge the duties of comptroller, with all the duties, liabilities and responsibilities of said office, who shall serve until another comptroller shall be elected by the people at the then next general election, and shall have duly qualified.—*Ibid, Sec.* 8.

Penalties for incurring expense when the money is not in treasury for the purpose.

§ 7. Any alderman or other official of said city who shall vote to make, or in any way aid to make, any expense or incur any indebtedness by or against said city, when the money to meet or pay the same shall not be raised or in the treasury for the purpose, shall, in addition to the existing liabilities therefor, be deemed guilty of a misdemeanor, and on conviction the term of office of such alderman or other official shall cease and determine, and he shall be ineligible to hold any office of said city for the space of five years from the date of such conviction; and the moneys raised for any one year shall not be voted or in any way appropriated by the common council of the preceding year, and any such vote or appropriation shall be null and void.—*Ibid, Sec.* 9.

Inspectors of contracts.

§ 8. There shall be nominated by the mayor, and confirmed by the board of aldermen, three inspectors, who shall hold their offices respectively during the pleasure of the said mayor and street commissioner, whose duties it shall be to take charge of and supervise, under the direction of the mayor and street commissioner,* all contracts awarded as hereinbefore provided for supplies, and for the repairing and cleaning of streets, avenues, lanes, thoroughfares and all public lands and places, and for the repairing of bridges, wells and pumps, public cisterns and lamps; also to receive and certify in writing that the supplies ordered or contracted for have been delivered to the proper parties, and are of the quality and kind ordered or required, and to attend to the execution of all ordinances, resolutions and laws of the common council in reference thereto; and to report to the street commissioner * daily all facts in relation to such repairs and cleaning, and all supplies, and the manner in which the contractors perform their work for the same; and also to attend to all complaints in relation to the repairing and cleaning of the aforesaid streets, avenues, lanes and thoroughfares, public lands and places, the

* Office of street commissioner abolished.

repairs of bridges, and wells and pumps, public cisterns and lamps, and all bills presented for payment for work done by contract otherwise in pursuance of the foregoing provisions, shall be certified by the street commissioner and approved of by the mayor. Such inspectors shall each receive an annual salary of one thousand dollars, payable monthly, in the same manner as other city officers. And in case written charges are preferred by the streeet commissioner, and verified by his affidavit, against any of such inspectors, then the mayor shall forthwith remove such inspector from office, and another shall be appointed, as herein directed, in his stead. The present inspectors shall continue in office for the term for which they are appointed respectively, and shall be subject to all the provisions of this act.—*Ibid, Sec.* 10.

[The duties and powers of the superintendent of contracts authorized by section five, chapter four hundred and thirty-one of the laws of eighteen hundred and sixty-three, shall be defined and prescribed by the common council of the city of Brooklyn by ordinance; and for any neglect of duty or violation of such ordinance, such superintendent or superintendents may be removed from office in the same manner as now provided for the removal of other officers of the city of Brooklyn. Whenever the mayor or street commissioner shall, on oath, make any written charge or complaint of neglect of duty or of malfeasance in office, to the common council, against any superintendent of contracts, such superintendent shall thereupon and thereby be deemed to have been suspended from office and from all pay or salary. The common council shall forthwith proceed to an examination of the charges or complaints so made, and within two weeks' time shall decide thereon, and, if such charges and complaints be, in their opinion, sustained, then the office of superintendent shall be deemed and held to be vacant from the time such charge was presented, and the vacancy may be filled in the same manner as now provided for by law; and if, in their opinion, such charges shall not be sustained, then such superintendent shall thereby be restored to his office and pay, the same as though such charges had never been made.—*Laws of* 1864, *Chap.* 410, *Sec.* 5.]

Lighting public lamps and repairing same.

§ 9. All contracts for supplying the public lamps with gas shall provide for the lighting of the same, other than in the public buildings, and for keeping such lamps in repair by the company or persons supplying such gas. The said lamps shall be so lighted and kept in repair.—*Ibid, Sec.* 15.

TITLE VII.

TITLE VII.

Title VII, in the charter or consolidation act, of 1854, related to the fire department and its organization, and the designation of fire limits. By the laws establishing, and in relation to, a paid fire department, Title VII has been virtually obliterated from the charter.

TITLE VIII.

TITLE VIII. Title VIII, in the charter or consolidation act of 1854, related to the board of excise. By subsequent legislation, jurisdiction and control in the premises were vested elsewhere. See laws relating to board of excise, elsewhere in this volume.

TITLE IX.

TITLE IX.

OF THE BOARD OF HEALTH.

SEC. 1. Board of health, how constituted.
2. Board of health, meetings of.
3. Office of the board of health.
4. Approach of vessels.
5. Physicians to report malignant cases.
6. Boarding-house keepers to report.
7. Sick persons to be removed from vessels.
8. Hospitals—power of boards.
SUB-DIVISION 1. To regulate and prohibit intercourse.
2. To remove vessels.
3. To remove the sick in certain cases.
4. To destroy infected articles.
9. Penalties for violating rules.
10. Health officer's duties.
11. Power to borrow money.
12. Power of board of health of 1854 enlarged—health acts, how far applicable—mayor and common council to appoint certain officers—duties of comptroller and corporation counsellor—duties of police—ordinances, how to be published.
13. Moneys of metropolitan police board, city to receive portion of—pending actions.
14. Transfer of books and papers relating to city of Brooklyn—copies of papers to be furnished—certificates thereto.
15. Orders and determination of board of health to be made by a majority of members.

Board of Health how constituted

SECTION 1. The aldermen of said city, or such number of their body as the common council shall designate, shall constitute a board of health, and the mayor, or in his absence or inability to act, the president of the board of aldermen shall be president thereof. The city clerk shall be clerk of said board, and shall keep a journal of its proceedings.

Board of Health meetings of.

§ 2. It shall be the duty of the president of the board of aldermen, at all meetings of said board, when he shall be informed of any matter requiring the action of the board of health to lay such matter before them, and they shall thereupon proceed to consider and act upon the same. The said board may also be convened at any time by notice from the clerk, under the direction of the president or any two of the members, for the transaction of business; and the

said board of health shall have, possess and exercise the same power and authority in said city as the board of health in the city of New York.

Office of the Board of Health

§ 3. The board shall designate a place to be called the "office of the board of health," at which the president, or one or more of the members shall attend daily (Sunday excepted), from the first day of June to the first day of October, in each year, and they may so attend on Sunday if necessary; and the person or persons attending shall enter in a book, to be kept for that purpose, all matters which shall come before or be transacted by them as president or members of the board of health.

Approach of vessels.

§ 4. No vessel subject to the examination of the health officer of the port of New York shall approach to the city of Brooklyn beyond the place which shall, at the time of such approach, be assigned for quarantine without a permit from him, countersigned by the president of the said board of health.

Physicians to report malignant cases.

§ 5. Every person practicing physic in the said city, who shall have a patient sick of any malignant, infectious or contagious disease, shall make and file a written certificate thereof in the office of the board of health, stating the name of such patient, and the house and place where he shall then be, and the board of health may require any such physician to make and file in said office, within such time as they may prescribe, not less than three hours after service of a copy thereof upon him, an affidavit stating therein whether he has or has not any patient who, in his opinion, shall then be sick of any such disease, and if he has any such patient, to state, in such affidavit, his or her name, and the house or place in said city where he or she shall then be, and the nature or name of such disease, to the best of his knowledge and belief.

Boarding-house keepers to report.

§ 6. The common council may, by ordinance, require every person keeping a boarding or lodging house in said city, within six hours after any seafaring man or sojourner shall be sick in such house, to file in the office of the mayor of said city, a certificate thereof, signed by him or her, stating the location of such house and the name of such diseased person.

Sick persons to be removed from vessels.

§ 7. No person shall remove any sick person from any vessel or from any other place in said city without a written permit for that purpose, granted by the president or one of the members of the board of health of said city.

TITLE IX.

Hospitals—power of boards

§ 8. The board of health of said city shall have the charge, control and management of all lands, buildings and premises thereon, which may be purchased, owned, leased or hired, by the common council for the purpose of a hospital or hospitals, and for the purpose of preserving the health of the inhabitants of said city. It shall possess and may exercise the following powers:

To regulate and prohibit intercourse.

1. By proclamation, to prohibit or regulate the intercourse by lands and ferries, or otherwise, between this city and any place or places where they may be informed that any infectious or contagious diseases shall prevail.

To remove vessels.

2. By resolution, to direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of said city, and from which they shall deem it probable that any infectious or contagious disease may be brought into said city, or communicated to the inhabitants thereof, to be removed to the distance of at least three hundred yards from any wharf, landing place or shore of said city, within six hours after a copy of such resolutions, certified by the city clerk, shall be delivered to the person or persons having command of such vessel, or to the master, owner or consignee thereof; and every such person or persons, master, owner or consignee, to whom such copy of such resolution shall be delivered, shall forthwith comply with the same.*

To remove the sick in certain cases.

3. By resolution, to direct to be removed to the hospital of said city, or other place to be designated by them, all persons sick of a malignant, infectious or contagious disease, and all things within the city which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants, and to cause such resolution to be carried into effect.

To destroy infected articles.

4. By resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, and which, in its opinion, shall be dangerous to the health of the inhabitants thereof, to be destroyed, by casting the same into the East River below low-water mark, at a suitable distance from the shore, or in such other manner as it may direct; and it may employ such person or persons as it may deem proper to remove and destroy such articles, and every person who shall in any manner resist or hinder any person so employed shall be deemed guilty of a misdemeanor.

Penalties for violating rules.

§ 9. Every person who shall violate, or neglect, or refuse

*By a subsequent statute these powers are somewhat enlarged.—Laws of 1863, as amended by Laws of 1867.

to comply with any provision contained in this title, or in the proclamation or resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both; and all such fines when collected shall be paid to the treasurer of said city for the use of the said board of health.

Health officer's duties.

§ 10. The health officer of said city shall visit all sick persons who shall be reported to the board of health in pursuance of this title, and report to the board of health in writing his opinion of their sickness; and he shall attend at said office at such times as the board shall direct, for the purpose of conferring with the president or other members of the board in relation to the health of said city. He shall visit and inspect all vessels coming to the wharves, landing-places or shores of said city, or within three hundred yards thereof, which are suspected of having on board any infectious or contagious disease, or likely to communicate the disease to the inhabitants of said city, and all stores and places within said city which are suspected to contain putrid or unsound provisions or other articles likely to communicate disease to the inhabitants, and make and sign a report in writing, stating the vessel, stores, places and articles so inspected by him, and the nature, state and situation thereof, and his opinion, in relation thereto, as to the probability of disease being communicated by or from the same, and file such report in the office of the board of health. He shall also discharge such other duties as shall from time to time be prescribed to him by the board of health.

Power to borrow money.

§ 11. The common council are hereby authorized to procure on loan, on the credit and faith of the city, from time to time, such sum or sums of money as a majority of the aldermen elected may deem necessary to pay losses or expenses, not provided for in this act, which may arise from any accident by flood, fire or otherwise, or to pay any expenses necessarily incurred in the protection and preservation of the health of said city and its inhabitants, in case of any prevailing epidemic, disease or sickness, provided that the sums of money so to be procured shall in the first case be declared to be necessary and proper by a certificate to be signed by the mayor, county judge and board of commissioners of city works, and in the latter case by a certificate to be signed by the mayor, health officer of said city, and the presiding officer of the Kings County Medical Society, which certificate shall be presented to the common council before they shall take any action in the matter, and the money so obtained shall be applied only to the specific

TITLE IX.

use and purpose for which it shall be so borrowed. The amount so raised and borrowed shall be levied, assessed and collected in the next annual tax in the same manner as the other expenses of said city.

Power of board of health of 1854 enlarged—health acts, how far applicable—mayor and common council to appoint certain officers—duties of comptroller and corporation counsellor—duties of police—ordinances, how to be published.

§ 12. The board of health created by the ninth title of the said act of the seventeenth of April, eighteen hundred and fifty-four, shall, in addition to the powers therein conferred upon said board, possess the same powers, rights and privileges, except as to compensation, as were conferred by the said acts of February twenty-sixth, eighteen hundred and sixty-six, and the several acts amendatory thereof, and by chapters six hundred and eighty-seven, seven hundred, and nine hundred and eight of the laws of eighteen hundred and sixty-seven, upon the metropolitan board of health within the city of Brooklyn, except the power to appoint officers and to incur expenses otherwise than is herein provided.* All officers required to be appointed for the purpose of carrying out such powers shall be appointed by the common council of said city on the nomination of the mayor. But the comptroller of said city shall receive and disburse the funds raised for said first-mentioned board, in the same manner as other funds of said city are received and disbursed, and the attorney and counsel of said city shall, as part of his official duties conduct the legal business of said board. All expenses incurred by said first-mentioned board shall be provided for in the same manner as now provided by law for raising the expenses for the general purposes of said city. The common council shall have authority to confer upon the board of police of said city such powers in regard to the preservation of the public health as may be necessary to give effect to the provisions of this act. It shall not be necessary to advertise any ordinance passed by said board in any paper published elsewhere than in the city of Brooklyn.—*Laws of* 1870, *Chap.* 381, *Sec.* 2.

Moneys of metropolitan police board, city to receive portion of—pending actions

§ 13. All moneys standing to the credit of the city of Brooklyn on account of the said metropolitan board of health shall in whose hands soever the same may be, whether in the treasury of the state or in the hands of any officer of the said metropolitan board of health, be paid over, after deducting all legal charges against the same, to the treasurer of the city of Brooklyn. And all judgments heretofore obtained by said metropolitan board of health in the city of Brooklyn, and the moneys to be recovered under

* For "powers, rights and privileges" of said board, see, elsewhere in this volume, compilation of "laws and ordinances relating to the public health in the city of Brooklyn, prepared by Assistant Corporation Counsellor Johnson, and published by order of the corporation, August 1st, 1870.

the same, shall belong to, and may be enforced and satisfied by the said city. All actions now pending in said city in the name of the said board of health may be continued and prosecuted by the said city, and all liens filed in favor of the said board, in said city, may be enforced and satisfied by the said city.—*Ibid, Sec.* 3.

Transfer of books and papers relating to city of Brooklyn—copies of papers to be furnished—certificates thereto

§ 14. The books, papers and records of the metropolitan board of health, or such portions thereof, so far as the same relate exclusively to the city of Brooklyn, shall, on demand, be transferred by the officers having them in charge to the health department hereinbefore established. Copies of all the books, papers and records of said board shall, on demand, be furnished by the persons or officers having possession thereof, without charge to the health department hereinbefore created. Copies of such books, papers and records so transferred, certified by the proper officer of said health department, shall be of the same effect as if they had been certified by the secretary of said metropolitan board of health.—*Ibid, Sec.* 4.

Orders and determination of board of health to be made by a majority of members.

§ 15. The provisions of chapter three hundred and eighty-one, of the laws of eighteen hundred and seventy, shall not be construed to authorize or to have authorized any determination or order by the board of health, except when made by a majority of the members of said board.—*Laws of* 1871, *Chap.* 561.

TITLE X.

OF THE FINANCIAL DEPARTMENT.

SEC. 1. Accounts of city to be under direction of the comptroller—forms of keeping city accounts to be prescribed—interest on bonds, &c.—Sale of bonds.
2. Comptroller to furnish statement of all appropriations remaining unexpended—treasurer's books, what to show.
3. Receipts for money.
4. Tabular statement of appropriations to be furnished by comptroller monthly—to show moneys received, disbursed, and balances at beginning and end of month.
5. Comptroller to submit plans for better management of finances.
6. Classification of accounts.
7. General, special, sinking and revenue funds.
8. Debts of the respective cities prior to consolidation to be paid.
9. Brooklyn debts.
10. Brooklyn sinking fund.
11. Investment of sinking fund.
12. Report of commissioners.
13. Permanent loans.
14. Vote upon.
15. Bonds, when to be issued.
16. Temporary loans.
17. Certificates of indebtedness for assessments.
18. Moneys borrowed to be applied to specific purposes.
19. Property and debts of Brooklyn, Williamsburgh and Bushwick.
20. Auditor and comptroller to examine accounts of collector annually.
21. Registered bonds may be issued.
22. Comptroller to pay expenses incurred in issue, &c., of bonds and certificates.

TITLE X.

Accounts of city to be under direction of the comptroller.

SECTION 1. The accounts of the city and the management of the finances shall be under the direction of the comptroller of said city, subject to the provisions of law and the ordinances of the common council, and the comptroller of the city of Brooklyn shall prescribe the forms of keeping and rendering all city accounts, and all statements required by law to be made by any department or officer of the city government, or by the police justices or justices of the peace; and all accounts rendered to or kept in the various departments of the city government shall be subject to the inspection and revision of said comptroller, and all such officers, departments and justices are hereby required and directed to keep such accounts, and to render such statements in such manner and at such times as said comptroller may prescribe. All bonds and certificates of indebtedness, hereafter to be issued and sold by the city of Brooklyn, shall bear interest at seven per cent., and shall be sold by the comptroller of the city; and all bonds, other than assessment fund bonds and sewerage fund bonds, shall be sold to the highest bidder after public advertisement of the sale, and after the receipt of sealed proposals, provided that such bonds shall not be sold for less than par value.—*Laws of* 1872, *Chap.* 882, *Sec.* 1.

Forms of keeping city accounts to be prescribed.

Interest on bonds, etc.

Sale of bonds.

Comptroller to furnish statement of all appropriations remaining unexpended.

§ 2. Within five days after the passage of this act, the comptroller shall furnish to the treasurer a statement of all appropriations for city purposes remaining unexpended at the close of business, December 31, 1871, and shall in like manner furnish him, from time to time, with proper statements of all appropriations hereafter made for such purposes. It shall be the duty of the treasurer to keep books showing at all times the condition of the several appropriations and such other particulars as may be directed by the comptroller, but no warrant shall be paid on account of any appropriation or be charged to any account unless there is a balance equal to the amount of such warrant standing to the credit of the proper account and applicable to such payment.—*Ibid*, *Sec.* 2.

Treasurer's books, what to show.

Receipts for money.

§ 3. The treasurer shall give receipts (in duplicate, if requested), in such forms as shall be prescribed or approved by the comptroller, for all moneys paid to him for taxes, assessments, loans or other purposes, which receipts shall specify what the amounts are for, and the accounts credited by him therewith. And all such receipts or duplicates thereof shall forthwith be filed with the comptroller.—*Ibid*, *Sec.* 3.

Tabular statement of appropriations to be

§ 4. It shall be the duty of the comptroller to render to the common council on the first day of each month a tabu-

lar statement of the appropriations, exhibiting the balances thereof at the beginning of the previous month, the expenditures on account of each appropriation, and the balance unexpended at the close of such previous month. Such monthly report shall also state the amount of money in the city treasury at the beginning of the previous month, the aggregate receipts from all sources, the aggregate disbursements, and the balance at the close of business on the last day of such previous month, and in what bank or banks the money was deposited.—*Ibid, Sec.* 4.

Furnished by comptroller monthly.

To show moneys received, disbursed, and balances at beginning and end of month.

§ 5. It shall be the further duty of the comptroller, from time to time, to communicate to the common council plans and suggestions for the increase and better management of the city revenues, for promoting economy in the public expenses, and generally for improving the admistration of the finances of the corporation.—*Ibid, Sec.* 5.

Comptroller to submit plans for better management of finances.

§ 6. The said accounts shall be distributed in four distinct classes. The first of said classes shall embrace all such expenditures as are to be made out of moneys raised by general tax, and shall be called the general fund; the second, such as are to be made out of money raised by special or local assessment, and shall be called the special fund; the third shall consist of accounts of the sinking fund; and the fourth shall consist of the revenues of the city from other sources than taxation, to be called the revenue fund. And no money raised or received for the use of one of said funds shall at any time be used for the purpose of either of the other of said funds, except as in the next section provided.—*Laws of* 1862, *Chap.* 63.

Classification of accounts.

§ 7. The accounts of the general fund shall always exhibit the receipts and expenditures on account of each purpose or appropriation for which the general tax shall be levied in each year, and no receipt of expenditure of money shall at any time be charged or credited to any other than its appropriate account. The accounts of the special fund, in addition to the general account thereof, shall at all times exhibit the accounts received and paid under each item composing said fund, with the amounts received and paid for interest on each. The sinking fund shall exhibit the amounts received and paid on account thereof, specifying from what source they shall have been received, together with the amount and description of securities belonging to said fund. The revenue fund shall exhibit all the moneys paid into the city treasury for collector's fees, default and interest for the non-payment of taxes, costs and fees of the attorney and counsel in opening, widening and extending streets, avenues and squares, or other proceed-

General, special, sinking and revenue funds.

TITLE X.

ings for taking private property for public purposes, balance of advertising fees after paying the actual expenses of advertising, the balance of inspector's fees, licenses, fees to city after paying the actual expenses of advertising officers or appointees, fees and fines from the police and justice's courts, penalties for violation of city ordinances, rents and proceeds of sale of any property of the city, interest on deposits in bank, and all revenues of the city whatsoever from other sources than taxation, and shall also exhibit the payments made on account of any judgment against the city as herein provided. The revenue fund shall be kept inviolate, except for the payment of such judgments, and the amount thereof standing on the first day of June in each year shall be deducted from the amount otherwise necessary to be raised by tax for the expenses of the city for the next fiscal year, and shall be transferred and charged to the general fund and applied accordingly. All bonds and other securities belonging to the sinking fund shall be endorsed as follows: "The property of the sinking fund of the city of Brooklyn, transferable from said fund only by written order of the mayor, comptroller and treasurer of said city, the commissioners of said fund." Any transfer without such order of any bonds so endorsed shall be null and void.—*Ibid.*

Debts of the respective cities prior to consolidation to be paid.

§ 8. The faith of the said city and the property now belonging to the present cities of Brooklyn and Williamsburgh, respectively, are pledged to the final payment of all moneys heretofore borrowed or raised by said cities respectively under or by virtue of any law of this state; and until said several sums of money shall be fully paid there shall be levied and collected, by a general tax on that part of the city embraced in the present city of Brooklyn, in the same manner as other taxes of said city at large, the sum of seven thousand eight hundred dollars in each of the next six years, and thereafter annually the sum of six thousand dollars, until the surplus of the debt on its property as hereinafter mentioned shall be provided for, and then upon the whole city. There shall be levied and collected, in the same manner, on the part of the city embraced in the present city of Williamsburgh, a sufficient sum to pay off an amount of its debt equal to its surplus as hereinafter mentioned, and the residue of the debt shall be levied and collected upon the whole city.

Brooklyn debts.

§ 9. The several sums of money in the present city of Brooklyn, so to be raised, together with the interest accruing from its investment, and all moneys now raised for a similar purpose, shall be and remain pledged and applied to redemption of loans procured by said present city of Brook-

lyn; nor shall any other investment or use be made of such moneys or securities except as herein provided, and any other appropriation thereof shall be deemed a misdemeanor and punishable accordingly.

Brooklyn sinking fund.

§ 10. The fund thus designated, together with all former and subsequent accumulations, shall be called the "sinking fund of the city of Brooklyn," and shall be managed by the mayor, treasurer and comptroller of said city, as *ex officio* commissioners of said fund, a majority of whom shall constitute a quorum for the transaction of business.

Investment of sinking fund.

§ 11. The said commissioners shall from time to time invest the money of said fund in any stock for payment of which the faith of this state, or the United States, is or shall be pledged; or in any of the bonds or securities issued by said city or the county of Kings; and to deposit said moneys with any safe moneyed corporation in this state, and make such contract with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund; and may also, at such times and upon such terms as they may deem advisable, pay any part of the moneys borrowed or raised as aforesaid before the time limited for the payment thereof.

Report of commissioners.

§ 12. The said commissioners shall report to the common council semi-annually, at its first meeting in January and July, a particular account of the condition of said fund, specifying the receipts and payments since the last report, the amount and description of stocks held by them, with the interest they bear, the institution holding deposits, amounts of such deposit, and the rate of interest paid thereon respectively; also the amount of loans purchased, if any, and the rate paid therfor.

Permanent loans.

§ 13. The common council shall have power to make permanent loans for the use of said city, and to issue bonds therefor, payable at such times, and in such manner, and at such rates of interest as they may direct, if the proposition for creating such debt shall been previously submitted to the electors of said city at a regular charter election of which three months' notice shall have been published in the corporation newspapers, and such proposition shall have then received the affirmative vote of a majority of the voters at such election.

Vote upon.

§ 14. The common council may by ordinance direct the mode and manner of submitting such proposition to the electors of said city.

TITLE X.

Bonds, when to be issued.

§ 15. In case the majority of said electors shall be in favor of creating such loan, the common council which shall be in office next after such election has taken place may, by a vote of a majority of all the members elected, confirm said loan; but no bonds shall be issued therefor until the common council shall have made specific provisions for a sinking fund, to be raised by annual tax, sufficient to pay and discharge such bonds at maturity, and the faith and property of the city shall be and is hereby pledged for the final payment of any and all such loans.

Temporary loans.

§ 16. The common council, after the taxes have been levied in any year, shall have power to make temporary loans, in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied, and for no other purpose, and such tax shall be inviolably applied to repay such loans.

Certificates of indebtedness for assessments

§ 17. The common council shall also have power, after any assessment for a local improvement has been confirmed and a contract for making the same has been entered into, to issue certificates of indebtedness to the contractor, payable out of such assessments when collected, and bearing interest after the expiration of one hundred and twenty days from the delivery of the assessment roll to the collectors; but no certificate shall at any time previous to the completion of the work exceed seventy-five per cent. in value of the work actually done, and they may issue a warrant for the collection of the assessment imposed before the work shall have been completed.*

Moneys borrowed to be applied to specific purposes.

§ 18. Whenever the city shall by law be authorized to borrow money for any specific purpose, the moneys so borrowed shall be applied only to such purposes, except the surplus thereof, if any surplus should remain after accomplishing such purposes; and it shall not be lawful for the common council of the said city to borrow any money, or to enter into any contract by which they may be compelled to pay money, except for the purposes for which they are or may be authorized to raise money by tax, and then only to an amount not exceeding the sum they are authorized by law to raise by tax during that municipal year for the purpose for which such money may be borrowed or contract entered into; and it shall be the duty of the said common council to pay all moneys so borrowed, with interest accruing thereon, and to discharge all such contracts out of the money raised by tax during the same municipal year in which the money is borrowed or contract entered into, except by this act provided.

* See laws of 1861 and 1872, authorizing and limiting issue of assessment fund bonds.

Property and debts of Brooklyn, Williamsburgh and Bushwick.

§ 19. It shall be the duty of the comptroller to state and keep an account under the direction of a committee of the common council, composed of one from each of the present cities of Brooklyn and Williamsburgh and town of Bushwick, showing the property and assets held by each respectively in their corporate rights, and the value thereof on the first day of January, eighteen hundred and fifty-five; and also showing the amount of the debts of each on that day actually existing or contingently arising from any work done for, or liability incurred, or property purchased by them respectively. Such property shall be the common property of the whole city, subject, however, to the pledges heretofore made by law of the portion of each present city and town. The value of the property and assets of each present city and town shall be deducted from the debts of each, and the surplus or debt of each, over the amount of its property and assets, shall continue a particular debt upon each respectively; the residue shall be common debt of the whole city. If the property and assets of either of said present cities and towns shall exceed its debts, the balance shall be credited to it in the taxes of the year eighteen hundred and fifty-five. The property and assets of any district of either of said cities and towns shall, for the purpose of such account, be considered the property of the city or town in which the district is located. Any ward not heretofore included in the fire department districts of Brooklyn or Williamsburgh hereby or hereafter to be admitted to the use of the fire department property of the said city, shall contribute its proportion to the value of such property in the district in which it is located, to be determined by the fire department committee of the common council, and to be raised by tax in one or more annual installments, as the common council shall determine.

Auditor and comptroller to examine accounts of collector annually.

§ 20. It shall be the duty of the auditor and comptroller to examine annually the accounts of the collector of taxes and assessments, and of the treasurer, and to audit the same, and to present to the common council, at its first meeting after the first day of July in each year, the result in writing, of such examination. The common council, or the finance committee thereof, may at any time order further examination, by the auditor and comptroller, of such accounts. All other officers of the city receiving and disbursing moneys shall present their accounts annually to the auditor and comptroller for examination, who shall audit the same and report the result to the common council. The common council may, by ordinance or resolution, further define and prescribe the duties of the auditor and comptroller in the premises.

TITLE X.

Registered bonds may be issued.

§ 21. The comptroller of the city of Brooklyn is hereby authorized to issue registered or coupon bonds for any loans hereafter to be obtained by or made to the said city, and also to issue registered bonds of said city of Brooklyn, of the various denominations and loans in place and stead of the coupon bonds of the various denominations and loans now outstanding, at the option and request of the holder or holders of any of the said bonds, upon their surrender and cancellation.—*Laws of* 1869, *Chap.* 576.

Comptroller to pay expenses incurred in issue, etc., of bonds and certificates.

§ 22. The comptroller of the city of Brooklyn shall pay all expenses incurred, and to be incurred, in the issue and cancellation of bonds and certificates of indebtedness of said city, and charge the same to the different appropriations for which such expense may have been, or is to be incurred, and the auditor of the city of Brooklyn shall audit such bills of expense so incurred, upon the certificate of the comptroller, and upon such expenses being so audited, a warrant upon the city treasurer shall be drawn by the proper financial officers of the city for the payment thereof. —*As amended by Laws of* 1871, *Chap.* 561.

TITLE XI.

MISCELLANEOUS PROVISIONS.

SEC. 1. Perjury.
2. Competency of judge, witness or juror.
3. Certain offices declared offices of record.
4. Embezzlement.
5. Proof of ordinances.
6. Service of process on vessels.
7. Penalties recovered payable into the city treasury.
8. Armory, gun-houses, etc.
9. Existing ordinances of Brooklyn.
10. Taxes due and unpaid, how applied.
11. Expenses of local improvements.
12. Rights and liability of the respective cities.
13, 14, 15, 16. Board of education.
17. Saving clause.
18. Time when this act takes effect.
19. Books, etc., to be transferable to city offices.
20. Encroachment upon navigable waters prohibited.
21. Penalty for violating ordinances.
22. Judgment against the city.
23. City not liable for misfeasance or nonfeasance of office.
24. The common council and its members trustees.
25. Streets and avenues, when to be deemed public.
26. Excavations, party walls.
27. Contracts, by whom made.
28. City officers not to be interested in contracts.
29. Frauds in assessments for local improvements.
30. Application to be made to judge of supreme court.
31. Assessments to be vacated for fraud and irregularity.
32. Duty of officers having charge of assessment lists.
33. Privilege of applicants applying for relief.
34. Lands discharged may be re-assessed.
35. Grants for railroads to be published inviting proposals.

Perjury.

SECTION 1. Any person who may be required to take an oath or affirmation, under and by virtue of any provision of this act, who shall wilfully swear or affirm falsely to any

material fact or matter under such oath or affirmation, legally administered, shall, upon conviction, be adjudged guilty of perjury. TITLE XI.

§ 2. No person shall be incompetent as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder of the city of Brooklyn, in any action or proceeding in which the city is a party or interested. Competency of judge, witness or juror

§ 3. The office of the city clerk, board of commissioners of city works, comptroller and collector of taxes and assessments, shall be, and they are hereby declared to be, offices of record, for the purpose of filing, recording and safe-keeping any and all papers and documents of the city, appertaining or belonging to the said several offices; and all provisions of law relating to offices of record, or the preservation or safe-keeping of papers or records therein, are hereby declared to apply to said several offices. Certain offices declared offices of record.

§ 4. Every embezzlement of money by any officer elected or appointed under this act, or by a clerk, deputy or assistant of such officer, shall be deemed a felony, punishable by fine or imprisonment, or both. Embezzlement.

§ 5. Every ordinance, resolution or by-law of the common council may be read in evidence in all courts and legal proceedings, from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act. Proof of ordinances.

§ 6. Any civil or criminal process, attachment or execution may be served or levied upon any person or property on board of any vessel which, at the time of such service or levy, shall be attached or fastened to any wharf, pier, bulkhead or landing place in said city, or lying so near thereto that a person can step from the same upon such vessel, or shall be fastened to any other vessel or vessels which shall be so attached or lying to any such wharf, pier, bulkhead or landing place, in the same manner and with like effect as if such vessel was actually within said city. Service of process on vessels.

§ 7. When a penalty is created, or authorized to be created, by this act, and no particular provision herein is made as to the application thereof, when recovered, such penalty shall, when so recovered, be paid into the city treasury for the use of the city. Penalties recovered payable into the city treasury.

TITLE XI.

Armory, gun-houses, etc.

§ 8. The common council shall have power to provide a suitable armory, gun-houses and drill-rooms for the use of the military of the said city.

Existing ordinances of Brooklyn.

§ 9. The existing ordinances, by-laws and regulations of the present city of Brooklyn, not relating to local improvements, as the same have been passed, shall be and continue in full force and effect, in the same manner and to the same extent and effect as though they had been published pursuant to law, and shall be in full force and effect, as regards the city hereby incorporated, together with such others as may from time to time be passed, until the same shall be repealed by the common council.

Taxes due and unpaid, how applied.

§ 10. All taxes and assessments in the said present cities and towns remaining due and unpaid on the first day of January, one thousand eight hundred and fifty-five, shall be collected as now provided by law, except that the supervisors, in cases of taxes remaining unpaid on the first day of July, one thousand eight hundred and fifty-five, and the common council in cases of assessments remaining unpaid on the last mentioned day, shall have power and are hereby authorized to issue warrants for the collection of the same to the collector of taxes and assessments to be elected under the provisions of this act, who shall proceed under said warrants to collect the said taxes and assessments, and shall make the returns thereto, and pay over the money collected by them respectively under the same, to the several officers designated in this act for that purpose; and all proceedings after the expiration of any warrant for the collection of any such taxes and assessments shall be conducted according to the provisions of this act. Such taxes shall be applied to the purposes for which they shall have been levied in the present cities of Brooklyn and Williamsburgh, and the town of Bushwick respectively.

Expenses of local improvements.

§ 11. The expense of any local improvement commenced by the present cities of Brooklyn and Williamsburgh respectively, before the first day of January, one thousand eight hundred and fifty-five, for which expense no assessment shall have been laid, shall be assessed as now provided by law in the said cities respectively, except that the duties in relation thereto now devolved upon the common council and officers of the said cities respectively to be performed, shall be performed by the common council of the city of Brooklyn hereby incorporated, and by the officers to be elected and appointed and authorized to perform similar duties under this act, except that if commissioners shall have been appointed to lay an assessment they shall complete such assessment.

Rights and liability of the respective cities

§ 12. All the rights, interest, property, claims and demands whatsoever, belonging to or to acrue to the present cities of Brooklyn and Williamsburgh and the town of Bushwick, shall belong to and be vested in the city of Brooklyn, hereby incorporated, and all liabilities and responsibilities of either in favor of third parties, shall be assumed by and may be enforced against the city of Brooklyn, hereby incorporated; but each of the present cities of Brooklyn and Williamsburgh and town of Bushwick shall be, as between each other, liable for its own indebtedness and entitled to its own property, as hereinbefore provided; all suits in favor of or against the present cities of Brooklyn and Williamsburgh and town of Bushwick, shall be continued against the same respectively until judgment.

Board of education.

§ 13. There shall be a board of education, and all the provisions of law relating to the board of education of the present city of Brooklyn shall apply thereto, except that the board hereby authorized shall be constituted of the members of the said present board and such additional members as may be appointed by the common council for the portion of the city embraced in the present city of Williamsburgh and the town of Bushwick, and the said common council is hereby authorized and required to appoint and classify such additional members, having reference therein to the proportional increase of inhabitants by the additional territory; and the school property of the cities of Brooklyn and Williamsburgh and the town of Bushwick, and the several districts thereof, shall be valued by the board of assessors elected after this act shall take effect, and the board of supervisors of the county shall proceed to equalize the said value by assessing the aggregate amount thereof upon the whole city, and crediting each school district (the city of Brooklyn to be considered as one district) on account of its general tax with the value of its separate school property, and any special school taxes already laid and in process of collection. The eighth and twentieth sections of the act entitled to reorganize and regulate the common schools and board of education of the city of Brooklyn, passed April 4, 1859, are hereby repealed.

Board of education—members of to be classified.

§ 14. On or before the first Monday of July, eighteen hundred and sixty-eight, the mayor of the city of Brooklyn shall choose by lot and designate from the then members of the board of education three classes, into which said board shall be divided, which classes shall be made up each of one-third of the members of said board, the first class to serve and hold office for one year from the date of said appointment, and designate the second class to hold office for the term of two years, and the third class for the term

TITLE XI. of three years from the date of said appointment and designation respectively. All persons appointed to fill vacancies thereafter shall hold office for the term only which the person or persons in whose place he or they may be appointed would have held if he or they had continued in office.—*Laws of* 1868, *Chap.* 635, *Sec.* 6.

Board of education—when and how appointed. § 15. At the same time between the second Monday of January and second Monday of February in each year, the mayor of said city shall nominate persons to fill the places of the members forming the class of said board whose terms will next expire, and if the persons so nominated shall be confirmed by the board of aldermen of said city to whom the nominations shall be immediately communicated, the said persons so nominated and confirmed shall hold office as members of said board, and of said class for the term of three years; and in case any person so nominated shall be rejected or shall not be confirmed within twenty days after their nomination, then the mayor shall immediately nominate to the said common council other persons in place of those rejected or not confirmed, and the said common council shall thereupon confirm or reject the same within twenty days thereafter. In case such last-mentioned nomination or any of them shall be rejected or not confirmed within the last-mentioned twenty days, the said mayor shall then appoint such persons as he may deem proper to hold office as aforesaid in place of those rejected or not confirmed.—*Ibid, Sec.* 7.

Board of education—members to be districted. § 16. In making such appointments care shall be taken to preserve the representation in said board of at least one member from each school district, and the members thereof shall hold office until the expiration of their terms, and until their successors shall be appointed.—*Ibid, Sec.* 8.

Saving clause. § 17. This act is hereby declared to be a public act. All acts and parts of acts of the legislature of this state not inconsistent with the provisions of this act, and not hereby repealed, shall be and remain in full force and effect; but any proceedings now pending, or that shall have been commenced before this act takes effect as a law, shall be continued and completed as if this act had not been passed, except as herein provided.

Time when this act takes effect. § 18. This act shall take effect on the first Monday of January, one thousand eight hundred and fifty-five, except sections three, four, five, six, seven, eight and nine of title three, which shall take effect on the first day of May next after the passage of this act. The terms of office of the city and town officers elected and appointed for the present

cities of Brooklyn and Williamsburgh and town of Bushwick shall expire on the first day of January, one thousand eight hundred and fifty-five, except that the incumbents of the offices of street commissioner, counsellor and commissioner of repairs and supplies of the present city of Brooklyn, and the incumbent of the office of clerk of the present city of Williamsburgh, shall perform the duties devolved upon the street commissioner, counsellor, commissioner of repairs and supplies and clerk by this act, until the expiration of the terms for which they were respectively elected or appointed under the existing law; and except that the incumbent of the office of collector of taxes and assessments of the present city of Brooklyn shall perform the duties devolved upon the collector of taxes and assessments of the western district by this act, until the expiration of the term for which he was elected under the existing law; and the incumbent of the office of collector of taxes and assessments of the present city of Williamsburgh shall perform the duties devolved upon the collector of taxes and assessments of the eastern district by this act, until the expiration of the term for which he was elected under the existing law; and except that the incumbents of the offices of street commissioner and counsellor of the present city of Williamsburgh shall continue to perform the duties of street commissioner and counsellor, for the purpose of closing up all unfinished business in their respective departments, until the expiration of the term for which they were elected; and they are vested with such power, subject, nevertheless, to the directions of the common council of the city hereby incorporated; and it shall be the duty of the officers retained in office by this act to close up the unfinished business of the said cities and town in their respective departments, under the direction of the said common council, except as herein otherwise provided, and except that the policemen now in office shall retain their offices until others shall be appointed under the provisions of this act. All officers elected and appointed under and by virtue of this act shall hold their offices for the term specified in this act, and until others shall be elected or appointed in their stead and have been duly qualified.

Books, etc., to be transferable to city officers.

§ 19. The books, papers and documents now on file or kept in any office in the present cities of Brooklyn and Williamsburgh and town of Bushwick, shall be transferred to such offices of the city hereby incorporated as the common council shall by resolution direct.

Encroachment upon navigable waters prohibited.

§ 20. The provisions of this act shall not be construed to recognize or authorize any encroachment upon the navigable waters of the East River or harbor of New York.

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Penalty for violating ordinances.

§ 21. Any person arrested in pursuance of this act, for the violation of any ordinance, by-law or regulation of the common council or the board of health, may be taken before the police justice or either of the justices elected by virtue of "an act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, one thousand eight hundred and forty-nine, who shall thereupon have authority to impose upon such person a fine not exceeding the penalty prescribed by the ordinance which such person shall be proved to have violated, and to commit such person to the county jail of Kings county for a period not exceeding thirty days, or until such fine shall be paid.—*Laws of* 1862, *Chap.* 63.

Judgment against the city.

§ 22. The amount of any judgment recovered against and payable by said city, and remaining unpaid, with the interest, due and to become due thereon, shall be included by the mayor in the first statement, after the same shall have become payable, to the joint board of aldermen having the shorter time to serve and city supervisors; and such amount shall be raised in the next levy of taxes for the expenses of the said city. Such judgment shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the moneys so raised shall be paid into the treasury, and payments of said judgments refused by the financial officers of the city, no execution shall issue against the said city, unless the amount of such judgments shall not have been included in the statement of the mayor or in the tax levy, as aforesaid. Provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city, other than taxation, sufficient to satisfy said judgments, the common council shall direct the payment therefrom of said judgments, in the order of their recovery.—*Ibid.*

City not liable for misfeasance or nonfeasance of office.

§ 23. The city of Brooklyn shall not be liable in damages for any nonfeasance or misfeasance of the common council, or any officer of the city or appointed by the common council, of any duty imposed upon them, or any or either of them, by the provisions of titles four and five of this act, or of any duty enjoined upon them, or any or either of them, as officers of the government, by any other provision of this act, but the remedy of the party or parties aggrieved for any such nonfeasance or misfeasance shall be, by mandamus or other proceeding or action, to compel the performance of the duty, or by other action against the members of the common council, officer or appointee, as the rights of such party or parties may by law admit, if at all. —*Ibid.*

The common council and its members trustees.

§ 24. The common council of said city, and the members thereof, are hereby declared to be trustees of the property, funds and effects of the corporation hereby created; and the aldermen of the city of Brooklyn are hereby declared to be trustees of the property, funds and effects of their respective wards, so far as such property, funds and effects, in or derived from their respective wards, are or may be committed to their management or control respectively by said act of incorporation, or the act amendatory thereof; and every person residing in said city, or in any ward, and assessed to pay the taxes therein, who shall pay taxes therein, is hereby declared to be a *cestui que* trust, in respect to the said property, funds and effects respectively; and any co-trustee, or any such *cestui que* trust, shall be entitled, as against such trustees, and in regard to such property, funds and effects, to all the rights and remedies provided by law, of any co-trustee or *cestui que* trust to prosecute and maintain any action to prevent waste and injury to any property, funds or estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law upon trustees, and such duties and responsibilities may be enforced by any co-trustee or *cestui que* trust aforesaid.—*Ibid.*

Streets and avenues when to be deemed public.

§ 25. All streets or avenues in said city which have been or may be thrown out to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets and avenues; and the city of Brooklyn, and the common council and the water commissioners thereof, shall have all jurisdiction and power in respect thereto, the same as if such streets and avenues had been or shall be opened by proceedings had for that purpose under the provisions of this act.—*Ibid.*

Excavations, party walls.

§ 26. Whenever excavations hereafter commenced for building or other purposes on any lot or piece of land in the city and county of New York and the city of Brooklyn, shall be intended to be carried to the depth of more than ten feet below the curb, and there shall be any party or other wall wholly or partly on adjoining land and standing upon or near the boundary line to such lot, the person causing such excavations to be made, if afforded the necessary license to enter on the adjoining land, and not otherwise, shall at all times from the commencement until the completion of such excavations, at his own expense, preserve such wall from injury, and so support the same by a proper foundation that it shall remain as stable as before such excavations were commenced.

Contracts, by whom made.

§ 27. All contracts for cleaning streets and repairing

TITLE XI.

wells and pumps shall be made by the board of contracts,* and the expense thereof shall be, as heretofore, a charge upon the wards respectively, each for the cleaning of its own streets and repairing its own wells and pumps. Every contract for cleaning streets shall be subject to the powers of the board of health, created or to be created in or over said city, and a clause to this effect shall be inserted in the advertisement for proposals, and also in the contracts.—*Laws of* 1862, *Chap.* 63.

City officers not to be interested in contracts.

§ 28. No member or officer of the common council or board of contracts,* or any city or ward officer, whether elected or appointed, or supervisor of said city, shall be directly or indirectly interested in any contract or agreement made by or with the said board of contracts,* or in the proceeds or profits of any such contract, nor in furnishing said city, for hire or pay, any work, labor, materials or supplies, or any article of service of any kind whatsoever, ordered by said board of contracts;* nor shall he take or receive any money, article, thing, advantage or promise thereof, as consideration for any vote or act in his official capacity, or for making and consenting in such capacity to any award of any contract, or to any appointment for office or place. Any person offending against the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for a term not less than three or more than five years. All contracts made in violation of this section shall be void.—*Ibid.*

Frauds in assessments for local improvements.

§ 29. The provisions of the act entitled "an act in relation to frauds in assessments for local improvements in the city of New York," passed April seventeenth, eighteen hundred and fifty-eight, are hereby extended and made applicable to the city of Brooklyn, and to the proceedings relative to any assessment or assessments for local improvements made or to be made therein; but the said act, so far as applicable to the city of Brooklyn, is hereby so amended that no proceedings shall be taken thereunder, except at a regular term of the court, and not in "vacation;" and that whenever any irregularity or fraud shall be shown in any such assessment proceedings whereby the expense of our local improvements has been unlawfully increased, the court shall thereby only have authority to reduce the assessment by as much as it has been increased by such fraud or irregularity and no proceedings shall be taken by virtue of this act to vacate any assessment under which sales of

* By Laws of 1865, Chap. 721, the board of contracts is abolished and the common council substituted in its stead. By Laws of 1869, Chap. 97, the control of cleaning the streets is vested in the sewerage and water board.

the property assessed have been made, nor shall any assessment be vacated for the reason that the property assessed is described as in the name of a person not the owner or occupant, unless the party petitioning to have the same vacated shall show that he has been aggrieved thereby.—*Laws of* 1871, *Chap.* 483, *Sec.* 1. [The following is a copy of the act referred to:]

Application to be made to judge of supreme court.

§ 30. If in the proceedings relative to any assessment or assessments for local improvements in the city of New York, or in the proceedings to collect the same, any fraud or irregularity shall be alleged to have been committed, the party aggrieved thereby may apply to a judge of the supreme court, in special term, or in "vacation," who shall thereupon, upon due notice to the counsel of the corporation of the city in which the lands so assessed are situated, proceed forthwith to hear the proofs and allegations of the parties.—*Sec.* 1.

Assessments to be vacated for fraud and irregularity.

§ 31. If, upon such hearing, it shall appear that alleged fraud or irregularity has been committed, the said assessments shall be vacated, and the lien created thereby, or by any subsequent proceedings, shall cease.—*Sec.* 2.

Duty of officers having charge of assessment lists.

§ 32. On the production of the certificate of the judge before whom the proceedings shall be had, that a judgment vacating any assessment has been made by him, it shall be the duty of the officer having charge of the assessment lists to cancel thereon the assessment so vacated and all proceedings under the same.—*Sec.* 3.

Privilege of applicants applying for relief.

§ 33. Any person applying for relief under the provisions of this act, may embrace in all proceedings any or all assessments for local improvements in which he is interested.—*Sec.* 4.

Lands discharged may be reassessed.

§ 34. Any lands which may be discharged from any lien for an assessment for any local improvement, may be again assessed, in the manner now provided by law, for such amount as would have been justly chargeable if fraud or irregularity had not been committed; but the amount so assessed shall be a lien on said lands until paid, and shall be collectable in the manner now provided by law for the collection of assessments, but all proceedings to make a new assessment shall be at the expense of the corporation of the city in which the lands may be situated.—*Sec.* 5.

Grants for railroads to be published inviting proposals.

§ 35. It shall not be lawful hereafter to lay, construct or operate any railroad in, upon or along any or either of the streets or avenues of the city of Brooklyn, wherever such

TITLE XI. railroad may commence or end, unless a majority of the owners of property upon the streets or avenues in or along which such railroad is to be constructed, shall first petition the common council of said city thereof, nor unless the said common council shall authorize the construction of such railroad, and the grant therefor shall have been awarded and given to the person who will agree, with adequate security, to carry passengers on such railroad at the lowest rate of fare. But no such grant shall be awarded until after public notice inviting proposals therefor, at a specified time and place, shall have been published, under the direction of said common council, daily for six weeks in four of the public newspapers printed and published in the said city. This section shall not be deemed to affect the operation of, or apply to "The Brooklyn City Railroad Company," "The Brooklyn Central and Jamaica Railroad Company," "The Broadway Railroad Company of the City of Brooklyn," "The Brooklyn City and Newtown Railroad Company," "The Coney Island and Brooklyn Railroad Company," "The Grand Street Railroad Company," and "The South Side Railroad Company."—*Ibid, Sec.* 5. Bushwick Railroad Company.—*Laws of* 1867, *Chap.* 508.

FIRE LIMITS.

Sec. 1. Fire limits of western district.
2. Fire limits of eastern district.
3. Common council may extend fire limits.—notices of intention so to do to be published.
4. Provisions of act extended over entire city.

The provisions of the law of 1866 as amended by laws of 1868, 1869, 1870 and 1871 are as follows:—

Fire limits of western district

§ 2. The fire limits of the western districts of the city of Brooklyn shall comprise all the portion of said city, beginning at the East River, at the northwest corner of the United States Navy Yard, and running thence southwesterly and southeasterly along said navy yard to the centre of Navy street, thence southerly along the centre of Navy street to the northerly side of Flushing avenue; thence easterly along the northerly side of Flushing avenue to the centre of Washington avenue; thence southerly along the centre of Washington avenue to the southerly side of Warren street; thence westerly along the southerly side of Warren street to the easterly side of Vanderbilt avenue; thence southerly along the easterly side of Vanderbilt avenue and across Flatbush avenue in a straight line to the southeasterly corner of Union street and Ninth avenue; thence southerly along the easterly side of Ninth avenue to the northerly side of Fifteenth street; thence easterly along the northerly side of Fifteenth street to the centre of Tenth avenue, thence southerly along the centre of Tenth avenue to the centre of Twenty-first street; thence westerly along the centre of Twenty-first street to a point distant one hundred feet west of the westerly side of Third avenue; thence northerly and parallel with Third avenue, and one hundred feet westerly therefrom to a point distant one hundred feet southerly from the southerly side of Hamilton avenue; thence northwesterly and parallel with Hamilton avenue and one hundred feet southerly therefrom to a point distant one hundred feet easterly from the easterly side of Columbia street; thence southerly and parallel with Columbia street and one hundred feet easterly therefrom to a point distant one hundred feet southerly from the southerly side of Nelson street; thence westerly and parallel with Nelson street and one hundred feet southerly therefrom in a straight line to a point distant one hundred feet easterly from the easterly side of Richard street; thence southerly

and parallel with Richard street and one hundred feet easterly therefrom to a point distant one hundred feet southerly from the southerly side of King street; thence westerly and parallel with King street and one hundred feet southerly therefrom to the East River, and thence along the easterly shore of East River to the point or place of beginning at the northwest corner of the United States navy yard; and also extending from the centre of Washington avenue along both sides of Fulton avenue, one hundred feet on each side, to the easterly side of Bedford avenue, and such further portion of the western district of said city as the common council of the city of Brooklyn by ordinance may from time to time as hereinafter provided, include therein. Provided, however, that the owners of the lands and premises within the district bounded by Bridge, Tillary, Navy and Concord streets, shall not be required to erect thereon buildings of brick or stone.

[And provided further, that the owners of lands and premises shall not be required to erect thereon buildings of brick, stone, or iron embraced in the following described bounds, to wit: Beginning at a point in the centre line of Warren street one hundred feet west of Bond street, running thence southerly and parallel with Bond street and one hundred feet westerly therefrom to the centre line of Third street, thence westerly along the centre line of Third street to the centre line of Smith street, thence southerly along the centre line of Smith street to and across Hamilton avenue to a point one hundred feet southerly from said Hamilton avenue; thence easterly and parallel with Hamilton avenue, and one hundred feet southerly therefrom to a point which is one hundred feet west of Third avenue, thence southerly and parallel with Third avenue, and one hundred feet westerly therefrom to the centre line of Twenty-first street, thence easterly along the centre line of Twenty-first street to the centre line of Tenth avenue, thence northerly along the centre line of Tenth avenue to the centre line Seventeenth street; thence westerly along the centre line of Seventeenth street to the centre line of Eighth avenue; thence northerly along the centre line of Eighth avenue to the centre line of Eleventh street, thence westerly along the centre line of Eleventh street to the centre line of Sixth avenue, thence northerly along the centre line of Sixth avenue to the centre line of Ninth street, thence westerly along the centre line of Ninth street to a point which is one hundred feet westerly from the westerly side of Fifth avenue, thence northerly and parallel with Fifth avenue and one hundred feet westerly therefrom to the centre line of Warren street, thence westerly along the centre line of Warren street to the point of beginning. Also the district bounded by Tillary, Bridge, Navy and Nassau streets.—*Laws of* 1869, *Chap.* 591.

[Provided, however, that the owners of the land and premises within the district bounded by Fulton, Water, Little streets and the East River shall not be required to erect thereon buildings of iron, brick or stone.—*Laws of* 1871, *Chap.* 140.]

Fire limits of eastern district.

§ 2. [The fire limits of the eastern district of the city of Brooklyn shall also comprise all that portion of said city commencing at a point where the northerly line of Flushing avenue intersects the southwesterly boundary line of the naval hospital grounds; thence northerly and northwesterly along the southwesterly boundary of said hospital grounds to Wallabout Bay; thence northerly along the easterly shore of Wallabout Bay and the East River to the centre line of North Fourth street; thence southeasterly along the centre line of North Fourth street to the centre line of North Second street; thence along the centre line of North Second street to the centre line of Union avenue; thence southerly along the centre line of Union avenue to the centre line of Hayward street; thence southwesterly along the centre line of Hayward street to the centre line of Bedford avenue; thence southerly along the centre line of Bedford avenue to the northerly line of Flushing avenue; thence westerly along the northerly line of Flushing avenue to the point or place of begining.—*Laws of* 1860, *Chap.* 472.]

[All that part of the present fire limits of the eastern district of the city of Brooklyn as established by chapter four hundred and seventy two, of the laws of 1860, within the following district, commencing at a point in the centre line of Broadway, where the same intersects Hayward street, and running thence southwesterly along Hayward street to Bedford avenue; thence southerly along Bedford avenue to Flushing avenue; thence westerly along Flushing avenue to the old Williamsburgh road; thence northerly along the said road to Kent avenue; thence southerly along Kent avenue to a point midway between Rutledge street and Hayward street; thence northerly in a straight line equi-distant from Rutledge street and Hayward street to Broadway; thence southeasterly along Broadway to Hayward street, the place of beginning, is hereby excluded from the fire limits.—*Laws of* 1864, *Chap.* 509.

Common council may extend fire limits.

§ 3. The common council of the city of Brooklyn may from time to time by ordinance, designate and extend the limits in said city of such extent, metes and bounds as they may deem proper within which all buildings to be thereafter erected shall be built of brick or stone or materials other than wood, and in such manner as they may deter-

mine and specify in such ordinance. Said ordinance shall be published in the corporation newspapers at least once a week for the space of three calendar months after the same shall have been passed, and before it shall take effect as law.

Notices of intention to extend fire limits to be published.

[The common council of the city of Brooklyn shall have power to extend the fire limits of the said city, as now established by the act passed April thirteenth, eighteen hundred and sixty-six, entitled "an act to establish fire limits, and for the more effectual prevention of fires in the city of Brooklyn," and the several acts amendatory thereof, and embraced within such limits any portions of said city now embraced therein, as they shall deem proper. Such power may be exercised from time to time by the said common council, but only after thirty days' notice in the corporation newspapers of their intention to do so, and by resolution duly adopted by the board of aldermen and approved by the mayor, and a copy certified by the clerk of said city, published for thirty days successively in the corporation newspapers of said city. No extension shall be of force and effect until such publication shall be duly made.—*Section 1st, Laws of* 1870, *Chap.* 316.

Provisions of act extended so as to apply to whole city—suits now pending.

§ 4. The provisions of the several acts mentioned in the first section of this act are hereby declared to extend over, and apply to the whole city of Brooklyn, except as hereinbefore provided. This act shall not affect any suit now pending to recover penalties, or enforce the provisions of said city.—*Laws of* 1870, *Chap.* 316, *Sec.* 17.

OF THE

BOARD OF CITY WORKS.

WATER AND SEWERAGE DEPARTMENT*

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3. Official oath—official bond—new appointments to be made, and vacancies filled.
4. Powers and duties of board of city works—books, property, etc., to be transferred to commissioners.
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9. Board of water commissioners—powers and duties.
10. Names of commissioners—terms of office—vacancies, bonds.
11. President and secretary, how elected—quorum.
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53. Public notice to be given.
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55. Drains and sewers, how paid for.

* For legislation in reference to supplying Brooklyn with water see also Law of 1849, Chap. 325; 1854, Chap. 171; 1853, Chap. 298; 1855, Chap. 30.

SEC. 56. Expense to be assessed and published.
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80. Salary for commissioners.
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90. Drawing for terms of office and their classification—full term of office to be eight years.
91. Vacancies, how filled.
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94. Improvements may be done by contract or otherwise—proposals for work, how advertised and awarded.
95. Copies of resolutions ordering work and contract to be filed with comptroller.
96. Payments for work, how made by comptroller—payments to contractors—final payments upon contracts—payments to city surveyors,
97. City assessment bonds authorized—when payable—rate of interest—assessments, defaults, etc., made applicable to payment of bonds.
98. Comptroller to keep account of bonds and unpaid assessments.
99. City assessors to apportion and assess expenses of improvements.
100. Notice of hearing and review of assessment—alteration and confirmation of assessments—assessments to be liens upon property assessed—provisions as to lands under water—title of state to lands under water not to be affected—purchasers of such lands to take same subject to liens.
101. Correctness of assessment report to be certified by corporation attorney—sufficiency of proceedings for local improvements to be certified in like manner—proviso as to validity of assessments.
102. Repairing and cleaning of streets—work may be done by contract or days work—advertisement for proposals, how advertised—contracts, how awarded—in what case contracts may be awarded without advertisement.
103. Tax for repairs and cleaning of streets.
104. Chief engineer and assistants—superintendents, etc.
105. Salary of commissioners.
106. Acts relative to local assessments made applicable.
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108. Money may be borrowed—city bonds to issue—rates of interest, and when payable—proceeds to be paid to city treasurer.
109. Repeal—saving clause.
110. Term of office of commissioners—number of commissioners reduced—appointment of successors—length of full terms—vacancies, how filled.
111. Power of board to repair streets and relay cross-walks—regrading and repaving of streets—change in kind of pavement when land-holders agree.

112. Proceedings for change of plan of drainage and sewerage—copies of plan how filed.
113. Repaving of Vanderbilt and Atlantic avenues—assessors to determine portion to be paid by city.
114. Plan for furnishing increased supply of water—common council to adopt a plan—title to lands and waters, how acquired.
115. Acts applicable thereto.
116. Repaving part of Lafayette avenue.
117. Board to appoint a secretary.
118. Duty of board of water and sewerage commissioners—expenditures limited—board to acquire lands, streams, etc.—Common council to approve of purchases—board to perform work.
119. Laws made applicable hereto.
120. Special water rents to be liens.
121. Annual abstract of unpaid water rents to be made—sale of lands therefor—charges and interest—Certificates of sale and conveyance, how and by whom executed—powers of water commissioners as to sales, etc.—Redemptions.
122. Water meters may be placed in certain buildings, etc.—Bills for water, how made out—cost of meters and connections, to be a lien on lands—proviso as to arrearages.
123. Issue and sale of bonds to pay cost of meters, etc.—Application of moneys received in payment of bonds.
124. Commissioners to hold until successors qualify.
125. Issue of certificates to pay certain street expenses—amounts, when and how assessed and collected.

Department of city works.

SECTION 1. There shall be, and is hereby created in the city of Brooklyn, a department which shall be known as the department of city works. The chief officers of such department shall be denominated commissioners of city works, and shall be three in number.—*Laws of* 1872, *Chap.* 364.

Commissioners, how appointed.

§ 2. The mayor of the city of Brooklyn shall, within five days after this act takes effect, appoint a citizen of said city, who shall be one of the commissioners of city works, and the comptroller and auditor of said city, shall meet in the comptroller's office, in said city, within the time aforesaid, and shall, together, appoint the citizen of said city, who shall be commissioner of the said city works of the city of Brooklyn, and if the said comptroller and auditor shall not agree on said appointment, or either of them, on or before the second day of July, eighteen hundred and seventy-two, then said appointment, or the one not agreed on as aforesaid, shall be made by the comptroller, auditor and the collector of taxes and assessments of the city of Brooklyn, or a majority of them, and upon the appointment of said commissioners as aforesaid, or any of them, the officers making such appointment shall immediately make and file, in the city clerk's office of said city, a certificate of the appointment of said commissioners who shall hold their office from the date of their appointment until the first day of May, eighteen hundred and seventy-five, and until their successors shall be chosen and qualified, and such successors shall be chosen and qualify in like manner as provided by this act, and the term of office of said commissioners shall, thereafter, be three years.—*Ibid.*

Certificate of appointment to be filed.

Term of office.

§ 3. The persons so appointed before entering upon the

duties of their office, and within ten days after their appointment, shall qualify as follows: They shall each subscribe and file in the office of the clerk of said city an oath of office, and execute to the city of Brooklyn and file in said clerk's office a bond in the penal sum of twenty thousand dollars with two or more sureties who shall jointly justify in double the amount of said bond, conditioned for the faithful performance of his duties and for the faithful accounting of all moneys which may come into his hands which said bond shall be approved of as to form and manner of execution, and as to the sufficiency of the sureties, by one of the judges of the city court of said city; and in case either of the persons so appointed shall fail to qualify or enter upon the duties of his office, or in case for any reason the persons named as the appointing power as aforesaid shall fail to meet or to make the appointment hereinbefore directed, or within the time hereinbefore named, then it shall be competent for the said appointing power aforesaid, and they are hereby directed to meet as soon thereafter as possible and make said appointment, and fill any vacancy occasioned by the failure to qualify of any person theretofore appointed by them as aforesaid.—*Ibid.*

Official oath.

Official bond.

New appointments to be made and vacancies filled.

§ 4. The persons so appointed, after they shall have duly qualified, shall form the board of commissioners of city works for the city of Brooklyn, and shall possess all the powers and perform all the duties of, and receive the same compensation as the present permanent board of water and sewerage commissioners of the city of Brooklyn as provided by existing laws; and shall also from and after the thirty-first day of December, eighteen hundred and seventy-two, possess all the powers and perform all the duties of the street commissioner of the city of Brooklyn as provided by existing laws; and from and after the thirty-first day of December, eighteen hundred and seventy-two, the office of street commissioner in the city of Brooklyn shall be abolished, whereupon, all books, maps, papers, record and property of whatsoever kind or description then or theretofore in the possession or custody of said street commissioner, or of any subordinate of said commissioner, shall be transferred and delivered into the possession and custody of the department of city works hereby created, and for the use of said department, and whenever in any law the words street commissioner of the city of Brooklyn shall occur, the same shall read and be deemed to apply to the board of commissioners of city works.—*Ibid.*

Powers and duties of board of city works.

Books, property etc., to be transferred to commissioners.

§ 5. The said mayor, comptroller and auditor of the city of Brooklyn shall have power to fill any vacancy occurring in the said board of commissioners of city works in the

Vacancies, how filled.

same manner as the commissioners first appointed under this act, and the person or persons so appointed shall hold office, respectively, for the balance of the term of the person or persons in whose place he or they shall have been appointed, and shall qualify as provided in section three of this act.

Board of water and sewerage commissioners abolished.

§ 6. Upon the appointment and qualification of the said commissioners of city works as aforesaid, or any two of them, the permanent board of water and sewerage commissioners of the city of Brooklyn shall be, and is hereby abolished, and the term of office of each and every member of said permanent board of water and sewerage commissioners and of all subordinates thereof shall cease and determine, and thereupon all moneys, bonds, certificates of indebtedness, books of all account, ledger, papers, accounts, vouchers and all other public documents, effects and property of whatsoever kind and description theretofore in the possession or custody of said permanent board of water and sewerage commissioners, or of any subordinate thereof, shall be transferred and delivered into the possession and custody of the department of city works hereby created.—*Ibid.*

Property in their hands to be transferred.

§ 7. All acts or parts of acts unconsistent with the provisions of this act, are hereby repealed.

[The general powers and duties vested in and imposed upon the permanent board of water and sewerage commissioners, and the various changes in their organization, by acts of the legislature, from eighteen hundred and fifty-seven down to the period when said powers and duties were devolved upon the board of commissioners of city works, will be found in the sections following:]

Stockholders to file a written consent to sell stock to city of Brooklyn.

§ 8. The holders of the stock issued by "The Nassau Water Company," other than the city of Brooklyn, may file in the office of the clerk of the city of Brooklyn a written consent that the city of Brooklyn may purchase their said stock at the par value thereof, with seven per cent. interest from the date of such issue; and the city of Brooklyn shall thereupon pay to the said stockholders, or their assigns, such par value, with the interest as aforesaid; whereupon all the contracts, property and rights of the said company, of every nature and description whatsoever, shall rest absolutely in the city of Brooklyn, and the city of Brooklyn shall assume and be charged with all the outstanding contracts, debts and liabilities of said company.—*Laws of* 1857, *Chap.* 22

Board of water commissioners.

§ 9. There shall be a board of water commissioners, consisting of seven members, to supervise the construction of the works for supplying the city of Brooklyn with water, and to complete the same, under and according to a contract for that purpose entered into between "The Nassau Water Company" of the one part and Henry S. Welles and Charles F. Welles, Jr., doing business under the firm name of Henry S. Welles & Co., of the other part, bearing date the tenth day of June, eighteen hundred and fifty-six; and the said commissioners are hereby vested with all the powers, and are authorized to perform all the duties requisite or necessary in and about the construction and completion of the said water-works as aforesaid, and which they might exercise and perform for such purpose if they constituted the board of directors of the said company and no transfer of the rights of said company had been made to the city of Brooklyn. No alteration increasing the cost of said city works under the said contract shall be made by the said commissioners without the assent of the common council of the said city.—*Ibid.*

Powers and duties.

Names of commissioners.

§ 10. The present directors of the said company—namely: John H. Prentice, William Hall, Daniel Van Voorhees, James Carson Brevoort, Nicholas Wyckoff, Thomas Sullivan and Nathaniel Briggs—are hereby constituted and appointed said water commissioners. They shall enter upon their duties as commissioners when the city of Brooklyn shall become vested with the contracts, property and rights of said company as aforesaid, and shall hold office until said water-works are completed as contemplated by the said contract, but they shall receive no compensation for their services. In case any vacancy shall happen by reason of the death or resignation of any commissioner, the board of commissioners shall nominate some person to fill such vacancy, to be approved by the mayor of said city; and in case of a disapproval by said mayor, they shall continue to nominate until his approval is obtained. Each commissioner shall execute a bond to the city of Brooklyn, with two sureties, to be approved by a justice of the supreme court, in the first or second district, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully perform his duties and account for all moneys which shall come into his hands as such commissioner. Such bond shall be filed in the office of the said city clerk.—*Ibid.*

Terms of office.

Vacancies, bonds.

President and secretary, how elected.

§ 11. The board of commissioners shall elect one of its members president and another secretary; and may make such by-laws, rules and regulations for the transaction of its business, and for the government of its officers, agents and employees as shall be convenient and not contrary to

law. A majority of the commissioners shall constitute a quorum for the transaction of business.—*Ibid.* Quorum.

§ 12. The proceedings to acquire land and water and interest therein, and to extinguish claims for damages, which are authorized by the act incorporating the said company, may be taken in like manner by the said commissioners, but in the name and on behalf of the city of Brooklyn.—*Ibid.* Proceedings, how taken.

§ 13. All legal proceedings under the act incorporating the said company, which shall be pending when the contract, property and rights of the said company shall be vested in the city of Brooklyn, as herein provided, may, at the option of the commissioners, be continued in the name of the said company, or be prosecuted by them to completion in the name of the city of Brooklyn.—*Ibid.* Pending proceedings, how vested.

§ 14. The said commissioners may draw upon the comptroller of the city of Brooklyn for any sum in favor of and to be paid to the owner of any lands, streams or property acquired or affected by virtue of this act, and in favor of and to be paid to any contractor for any sum due on his contract, and also to be paid for any charges and expenses incurred by them in the performance of their duties. Such drafts shall specify the objects for which they are drawn, and shall be paid by the said comptroller on their presentation.—*Ibid.* Commissioners to draw for certain sums.

§ 15. The action of the common council of the city of Brooklyn, adopted on the fourth day of June, eighteen hundred and fifty-six, in relation to the manner of supplying the said city with water, and authorizing the subscription by the city of Brooklyn of the sum of thirteen hundred thousand dollars to the stock of the said company for that purpose, and the subscription of said stock by the mayor of said city, and the issuing of city bonds in payment thereof, in conformity with such action, are hereby ratified and confirmed, and the bonds issued in payment of such subscription are hereby declared to be binding upon the city of Brooklyn. And the said city shall issue new bonds in place of any bonds issued on account of such subscription, in the form provided in the next section of this act, upon the surrender by the holders thereof of the bonds issued on account of such subscription.—*Ibid.* Action of common council.

§ 16. The bonds of the said city for the additional amount of two millions nine hundred thousand dollars, and such further amount as shall be necessary to pay the interest on the said bonds already issued and hereafter to be issued, until such interest shall be met by the income of the Bonds, how to be issued. Interest.

waterworks and taxation, as hereinafter provided, shall be issued by the mayor, comptroller and clerk of the said city, in the manner heretofore done by them in regard to the other bonds of the said city, from time to time as the same shall be required for the purposes of this act, payable in not less than twenty-five nor more than forty years, bearing interest at the rate of six per cent. per annum, payable half-yearly, on the first day of July and January in each year; and the said bonds issued, and hereafter to be issued, and the proceeds of the sale thereof, shall constitute the fund for paying the cost of constructing and completing the said water-works.—*Ibid.*

Bonds, may be sold, etc.

§ 17. The said bonds, issued and hereafter to be issued as aforesaid, may be sold by said commissioners, at public or private sale, and the proceeds of such sale shall be by them paid over to the treasurer of said city. The commissioners, with the concurrence of the said mayor and comptroller, may pledge the said bonds for money borrowed temporarily at a higher rate of interest, if they shall deem the necessities of the work to require it.—*Ibid.*

City property pledged.

§ 18. The property of the city of Brooklyn, including the water-works, reservoirs, lands, bonds, streams, right of way, pipes and hydrants, are hereby pledged for the payment of the bonds issued, and hereafter to be issued as aforesaid, with interest.—*Ibid.*

Certain sums to be added to general tax.

§ 19. There shall be added to the general tax for the city of Brooklyn at large, in the year eighteen hundred and fifty-eight, and yearly thereafter, and levied and collected therein, such sum of money in each of said years as shall be necessary to pay any deficiency which the net income of the water-works, after paying the annual expenses thereof, shall be insufficient to pay the interest for any such year, or any such bonds, and the further sum of fifty thousand dollars, which is hereby directed to be paid to the commissioners of the sinking fund of the said city, and held and managed by them for the full and final redemption of said bonds, and for no other purposes. It shall be the duty of the mayor and comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of supervisors of the county of Kings in time to have such account included in the general tax of the said city for that year; and it shall be the duty of the supervisors to cause such account to be included in such general tax.—*Ibid.*

Certain lands to be taxed.

§ 20. The lands which shall be occupied by the said water-works in Kings and Queens counties shall be taxed at the value of the land, exclusive of any improvements

thereon; and all such improvements shall be exempt from taxation.—*Ibid.*

§ 21. All acts and parts of acts inconsistent with this act are hereby repealed.—*Ibid.* Inconsistent acts repealed

§ 22. (1) The board of water commissioners created by the act entitled "an act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, are hereby authorized to purchase such additional land, and under existing provisions of law extinguish such additional water rights as may be necessary for the use or protection of the said water works, and such additional pipes and other materials as may be necessary for the distribution of water, and the increase of the cost of said water works occasioned thereby, and all incidental expenses incurred and to be incurred in the construction and management of said works, except as hereinafter otherwise provided for, shall be met by the issue of bonds, as provided by the said act, to the necessary amount; provided that such issue shall in no event exceed five hundred thousand dollars, unless with the approval of the common council of said city.—*Laws of* 1859, *Chap.* 396. Authority to purchase additional land.

§ 23. (2) When the said water works shall be completed so as to be capable of delivering and distributing a daily supply of ten millions of gallons in the said city, the said commissioners shall certify the same to the common council of the said city, and thereupon the exclusive control and management thereof, as fast as the same shall be completed, shall be transferred to a permanent water board, to be created as herein provided, and until such transfer is consummated the exclusive control and management of said works shall be vested in the said commissioners, with the powers as are herein conferred upon the said permanent water board; such transfer shall not in any way affect the powers of the present board of commissioners as a board of construction to complete the works.—*Ibid.* Management to be transferred when works are completed.

§ 24. (3) The said permanent water board shall consist of four members, who shall be called water commissioners. The said board shall be appointed as follows: Two thereof by the commissioners first before mentioned in this act; the other two thereof shall be appointed by the mayor of said city, and with the consent of the board of aldermen of said city at a meeting which shall be held for that purpose on the twenty-fifth day of April, one thousand eight hundred and fifty-nine, which said meeting shall convene at eleven o'clock on that day, and thereafter all vacancies which shall occur in said board shall be filled by a two-third vote of the Board to consist of four members.

common council on the nomination of the mayor of said city; [but no one of the present water commissioners shall be eligible to any appointment as a permanent water commissioner under any of the provisions of this act.*]—*Ibid.*

Term of office. § 25. (4) Said permanent water commissioners shall hold their office for eight years, and until others are appointed and qualify in their places; except that the members who shall first constitute the said board shall hold their offices, one for two years, one for four years, one for six years, and one for eight years, and shall, within thirty days after their appointment, draw lots for the said terms in the presence of said mayor, who shall certify the same to the city clerk. —*Ibid.*

Oath and bonds § 26. (5) They shall respectively subscribe an oath of office and file it in the office of the clerk of the said city, within ten days after their appointment, and shall also, within the same time, execute to the said city, and file in the said office, a bond with two or more sureties, in the penal sum of twenty thousand dollars, conditioned that they will faithfully account for all moneys which shall come into their hands or into the hands of the said board, and perform their duties as such commissioners. The justices of the supreme court of the second judicial district shall approve of such bonds, or require the execution of others in their place until the same shall be approved; and no commissioner shall take office until such bond shall be approved by the said justices of the supreme court of the second judicial district, and in case any of such first water commissioners shall fail to qualify or enter upon office, the nomination and appointment shall be made, pursuant to the third section of this act, as if no such nomination or appointment had been made, until such permanent water board shall be fully filled. All subsequent vacancies created by death, resignation or otherwise, shall be filled for the unexpired term in the manner hereinbefore provided. —*Ibid.*

Salary, § 27. (6) The members of the said board shall each receive an annual salary of two thousand five hundred dollars, payable quarterly.—*Ibid.*

Removal for cause. § 28. (7) Any commissioner may be removed from office by a vote of two-thirds of the members elected to the common council for cause, upon written charges of misfeasance or nonfeasance in office, and after reasonable opportunities to be heard in his defence.—*Ibid.*

* The words in brackets stricken out by Laws of 1865.

§ 29. (8) The said water board shall make by-laws and regulations for its own government, and for the government of all officers and employees whom it may appoint. One of its own number shall be elected president and another secretary, who shall have charge of the records and papers of the board, and the same are hereby declared to be public records.—*Ibid.* By-laws.

§ 30. (9) The said board may appoint, during pleasure, a chief engineer, a water register, a water purveyor, and such and so many other subordinate officers and employees as the water service may require; and shall fix and pay their salary and compensation.—*Ibid.* Chief engineer and other officers to be appointed.

§ 31. (10) The said board is hereby charged with the duty of managing said works so as to attain the objects for which they are constructed, and of keeping them in a state of efficiency and repair; and they are authorized from time to time to expend such sums of money as shall be appropriated by the common council for those purposes.—*Ibid.* Boards to manage works.

§ 32. (11) The said board shall, in the name of the city of Brooklyn, prosecute or defend all actions and proceedings at law and in equity for money due for the use of water, or for the violation of any ordinance or regulation respecting the water-works or water, or for the breach of any express or implied contract relating to the construction or management of the water-works or the distribution of water; and also for any injury or nuisance to the water courses, ponds, canals, conduits, reservoirs, pipes, machinery, buildings, fences, crossings, fixtures, or anything appurtenant to the said water-works, or for any improper use or waste of the water within or beyond the city of Brooklyn. —*Ibid.* Actions, how prosecuted and defended.

§ 33. (12) All water rates and water rents shall be paid to and collected by the said board. All moneys received by the said board shall be paid weekly to the treasurer of the city of Brooklyn, who shall keep a separate account of all moneys received from and paid on account of the water-works. He shall hold all moneys paid in on account of the water-works, and shall pay them out as provided by this act and not otherwise. The said board shall draw their drafts upon the comptroller of the said city, signed by their president and secretary, for all salaries and all charges, liabilities and expenses incurred in the performance of their duties under this act, specifying in such drafts the purpose for which the same are drawn; and the said treasurer shall pay the same out of the said water moneys, on the draft of the comptroller, countersigned by the mayor and city clerk.—*Ibid.* Water rents to be paid to treasurer.

Plumbers to be licensed.

§ 34. (13) The said board may, upon such terms and conditions as they may provide, license plumbers and others to open streets and bore pipes, and make the necessary connections therewith to conduct the water upon any premises for use, and may prescribe a license fee to be paid by such plumbers, and may require from them security against damage and for the faithful performance of their duties.—*Ibid.*

Water rents.

§ 35. (14) The said board shall fix the times when all water rents shall be payable; they may make regulations as to the times and mode of using the water and testing the quantity used, and the rules and restrictions for such use, printed on each water permit, shall be notice to the water takers, and shall authorize the exactions and recovery, by due process of law, of any penalties which the said board may impose, in addition to the cutting off the use of the water, for any violation of the rules; and this section shall be printed on such permits.—*Ibid.*

Books to be kept.

§ 36. (15) The said board shall keep regular books of accounts and a full and accurate record of all their official proceedings, which shall be open to the inspection of the mayor and comptroller of the said city, and the water committee, or such special committee as the common council

Report.

may designate for that purpose. They shall, on the first Tuesday of February and August in each year, make a written report to the common council of the condition of the works under their charge up to the first of January and the first of July respectively, accompanied by a statement of their receipts and expenditures on acconnt of the same; and shall, on or before the first Monday of May in each year, report to the common council a working plan for the ensuing year under the several heads of repairs, purchase and laying of mains and pipes and new work, with an estimate of the quantity of work, under each head of expenditure, which it shall be proposed to undertake, and of the costs of each, and of the amount of salaries and contingencies to be incurred, and exhibiting a total of the expenditures contemplated to be made during the ensuing twelve months from the first day of May then next. The appropriations which the common council shall make for the preservation and repair of the works shall be applied to those objects alone for which the appropriations shall be made, and the expenditure for any object shall not exceed the appropriation therefor.—*Ibid.*

Standing water committee to examine books.

§ 37 (16) It shall be the duty of the standing water committee of the common council to inspect the said waterworks thoroughly once in every year and make a written report thereon to the common council; the common council

shall, on the first Monday of November in every year, appoint a special committee of their body who shall examine the books, accounts, and vouchers of the said board, and the receipts of the water rents, and make a written report thereon to the common council. The members of the said committee shall each receive three dollars for each day of six hours necessarily employed by them in the performance of said duties.—*Ibid.*

Hydrants to be placed in public streets.

§ 38. (17) The said board shall cause hydrants to be placed in the public streets, wherever they may deem them necessary, to be used for the extinguishment of fires and other purposes, and may prescribe and limit their uses; and any use thereof in violation of the regulations which said board may impose is hereby declared to be a misdemeanor, for which any person offending may be punished according to law. The said common council may, by ordinance, prescribe penalties for the violations of said regulations; and the said water board, in the name and for the use of the city of Brooklyn, to the credit of the water fund, may sue for and recover such penalties, with treble costs, in any court.—*Ibid.*

Scale of annual rents to be established.

§ 39. (18) The said water board shall recommend to, and the common council shall, by ordinance, establish a scale of annual water rents for the supply of the water to be called the "regular rents" by way of distinction from the assessments hereinafter directed, and adapted to the different classes of buildings in said city, with reference to their dimensions, values, exposures to fires, their ordinary uses for dwellings, stores, shops, private or other stables, or other common purposes, number of families or other occupants, or probable consumption of water, as near as may be practicable, and may change said scale from time to time, and also extend it to other descriptions of buildings, occupants, and uses; such rents shall be collected from the owners and occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street, avenue, lane or court in said city in which the distributing water pipes shall have been laid, and from which they can be supplied with water, whether the water shall be used or not. Said regular rates, together with all interest that may accrue thereon, shall be a lien upon such houses and lots respectively, hotels, factories, stables, livery stables and other buildings and establishments which shall consume extra quantities of water, and steamboats and shipping may, in addition to the regular rates, be charged with rents to be called "extra rents," to be established in like manner as the regular rents. The regular and extra rents now charged in the city of New York for the use of the croton

water shall be paid for the water in the city of Brooklyn, as hereinbefore provided, except as a different scale shall from time to time be fixed by the said common council. Water may be distributed from said works for any use in Kings, Queens and adjacent counties, upon such terms and conditions as may be prescribed by the water board, subject to the ordinances of the common council.—*Ibid.*

Rents unpaid for thirty days liable to additional charge.

§ 40. (19) Such regular and annual rents as shall remain unpaid for thirty days after they are payable shall be subject to an additional charge of one per cent. a month until paid, and such additional charge shall be a lien upon the premises.—*Ibid.*

Taxes and extra rents to be a lien.

§ 41. (20) All taxes and rents authorized by this act to be imposed, except extra rents, shall be a lien upon the premises on which they are charged, and may be collected of either the owners or occupants. Such liens may be enforced according to existing laws for the collection of taxes in the city of Brooklyn.—*Ibid.*

Fifty thousand dollars to be added to general tax.

§ 42. (21) There shall be added to the general tax for the city of Brooklyn at large, in the year eighteen hundred and fifty-nine, and yearly thereafter, and levied and collected therein, the sum of fifty thousand dollars, which is hereby directed to be paid to the commissioners of the sinking fund hereinafter mentioned, and held and managed by them for the full and final redemption of the bonds issued on account of said water-works, and for no other purposes; and also there shall be added to the said general tax for said city at large, in the year eighteen hundred and sixty, and yearly thereafter, such further sums of money, in each of said years, as shall be necessary to pay any deficiency which the net income of the water-works, after paying the annual expenses thereof, shall be insufficient to pay the interest for any such year on any such bonds. It shall be the duty of the mayor and comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of supervisors of the county of Kings, in time to have such amount included in the general tax of the said city for that year; and it shall be the duty of said supervisors to cause such amount to be included in such general tax.—*Ibid*

Rents.

§ 43. (22) The price or rents to be fixed for the use of water to be supplied by the said works, shall, as far as may be reasonable and practicable, be regulated and adjusted so as to pay from the net income the interest upon, and ultimately the principal of the said bonds. After the payment or deduction of all expenses and charges of maintenance

and distribution, the net surplus income from said works shall be set apart as a special sinking fund, to be denominated " the water sinking fund," and shall be appropriated and applied for and towards the payment of the principal and interest of the said bonds, and shall be under the management and control of the mayor, comptroller and treasurer of said city, or the major part of them for the time being, who shall be the commissioners of the said fund, to be applied solely to the use and purpose aforesaid, until the principal and interest of the said bonds shall be fully paid and discharged.—*Ibid.*

Moneys to be invested.

§ 44. (23) The moneys directed by the preceding section to be paid into the said water sinking fund shall be invested by the commissioners of said fund in the several and respective public stocks or bonds issued by the city of Brooklyn, by the county of Kings, by the state of New York and by the United States.—*Ibid.*

Water board to fix price of assessment.

§ 45. (24) The said water board shall, in every year, by resolution, fix the price which shall be assessed [over and above the regular rent, and the special rent hereinbefore provided for] upon every vacant lot situated upon any street, lane, alley or court through or into which distributing pipes shall have been laid, until the bonds issued for the construction of the said works, with the interest thereon, shall have been paid, and thereafter they shall be adjusted so as to, with the other provisions of this act for income from said works, meet the expense of repairs, maintenance and extension of the works. The net proceeds or income of the works shall be paid into the said special sinking fund, as before provided. Such sums so assessed, together with per centages for defaults, as provided by section nineteen of this act, shall be a lien upon the said premises respectively, and the same may be collected and enforced in the same manner as taxes are collected and enforced against land in said city.—*Ibid.*

Diversion of water to be punished by fine and imprisonment.

§ 46. (25) Any person or persons, their aiders and abettors, who shall willfully divert or cause a diversion of the water, or any portion thereof, or shall corrupt or render the water unpleasant or impure, or shall destroy or injure any canal, aqueduct, conduit, reservoir, pipe, hydrant, fountain, gate, machinery or other property, part, parcel or appurtenance of the said works, required or used for procuring, securing or distributing the water, shall severally forfeit to the said commissioners, and the said board, for the use of the city of Brooklyn, to be recoverable in any proper form of action, treble the amount of damages proved to be have been occasioned thereby, with treble costs of such action;

and all such acts are hereby declared misdemeanors, and any person convicted of any such act shall be further punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both in the discretion of the court.—*Ibid.*

Lands used for water works, how taxed.

§ 47. (26) The lands which shall be occupied by or used for the said works, in Kings and Queens counties, shall be taxed at the value of the adjacent lands used for agricultural purposes, exclusive of any improvements thereon, and all such improvements are hereby declared to be exempt from taxation, except that in the county of Queens dwelling-houses and machine or pumping-houses upon such lands may be taxed in the same manner as against individuals.—*Ibid.*

Board may substitute a closed conduit, under certain restrictions.

§ 48. (27) The board of water commissioners created by the act entitled "an act for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, are hereby authorized to change the plan for such supply, and to substitute a closed conduit for the whole or any portion of the open canal east of the present conduit. They may, upon the change of such plan, arrange upon such terms and conditions, and extend the periods for the furnishing of such supply as they may see fit; but no contract made by them for such closed conduit shall increase the cost of the water-works to exceed the sum of five hundred thousand dollars for such closed conduit, and such increased cost shall be met by like increase in the amount of bonds to be issued as provided by said act; such increase of bonds shall be in addition to the amount named in the first section of this act.—*Ibid.*

Repealing clause.

§ 49. (28) All acts and parts of acts inconsistent with this act are hereby repealed.—*Ibid.*

Commissioners and powers in the matter of sewerage.

§ 50. (1) The board of water commissioners, as provided for in an act entitled "an act to provide for the supply of the city of Brooklyn with water," passed the eleventh day of February, eighteen hundred and fifty-seven, shall be and are hereby constituted the commissioners under this act, and shall have power to devise and frame a plan of drainage and sewerage of the whole of said city, upon a regular system, for the purpose of thoroughly draining and carrying off the water and filth proper to be carried off by sewers for the health and convenience of the inhabitants of said city; the plan shall show the location and direction, size and slope of each drain and sewer, whether mains or laterals, and its depth below the surface and connections with other drains and sewers, and such other particulars as may be necessary and proper for the purpose of presenting

a complete and entire plan of such drainage and sewerage; they shall have access, for all their purposes, to all maps, surveys and documents in the public offices of said city; they shall appoint one general superintendent and as many engineers, surveyors, assistants and clerks as may be necessary to carry out the provisions of this act; the said superintendent shall apportion all assessments hereinafter mentioned, and perform and execute such other duties under this act as the said commissioners may delegate to him, in the same manner and with the same effect as if performed and executed by the said commissioners; they shall pay the said superintendent a salary of two thousand dollars a year; they may pay to said engineers, surveyors, assistants and clerks such compensation as they may think proper, and incur such incidental expenses as may be necessary in performance of their duties under this act.—*Laws of* 1857, *Chap.* 521.

Record to be kept.

§ 51. (2) The said commissioners shall keep a record of their acts and proceedings, which record shall be filed, on the completion of their term, in the office of the street commissioner of the city of Brooklyn; for all purposes of this act the said commissioners shall have jurisdiction and control over all streets and avenues in said city.—*Ibid.*

Expenses.

§ 52. (3) The expenses mentioned in the preceding sections of this act shall be disbursed by the said commissioners, who may borrow the amount thereof, if necessary, in such sums as may be requisite in anticipation of the same being raised by tax. They shall deliver, annually, to the mayor of said city a statement of the amount necessary to be raised to pay such expenses, and interest on any moneys borrowed as aforesaid, who shall thereupon transmit the same to the supervisors of the county of Kings, who shall cause such amount to be levied upon the taxable property of said city in the next general tax; and the amount so levied shall be collected with such general tax, and paid by the city treasurer to the said commissioners upon the warrant of the mayor and comptroller of said city, countersigned by the city clerk, who are hereby directed to pay the same out of any moneys collected in such general tax. —*Ibid.*

Public notice to be given.

§ 53. (4) Whenever the said commissioners have prepared the said plan of drainage and sewerage, in whole or in part, of the said city of Brooklyn, they shall cause public notice to be given in all the newspapers published in the city of Brooklyn that such plan has been filed in their office for inspection, and that they will meet, at a time and place in said city to be specified in said notice, not less than

twenty days after the first publication of such notice, when they will receive the views and suggestions and objections of any parties interested in the drainage and sewerage of said city; the said commissioners shall hear such parties at the time and place so specified, or at any adjourned meeting then and there proclaimed, and shall thereupon amend and correct the same as they may deem proper, and file a copy thereof, as amended and corrected, and duly certified by them, in the office of the street commissioner of said city, and a similar copy in the office of the register of the county of Kings, whereupon the plan, or any part thereof therein set forth, shall be the permanent plan of sewerage of the city of Brooklyn.—*Ibid.*

Drains, etc.

§ 54. (5) The said commissioners shall, upon the filing of the said amended and corrected plan, proceed to construct such of the drains and sewers therein adopted as the public health, convenience or interest shall demand, or so much thereof as may be necessary; they shall cause specifications of the work in the most approved form and character to be made, and shall let the same out to be done by contract to such persons as shall best, in their judgment, subserve the interests of the public and the parties assessed; they shall employ proper persons to inspect the work, and may employ counsel to aid them in the performance of their duties.—*Ibid.*

Drains and sewers, how paid for.

§ 55. (6) The expenses attending the construction of drains and sewers shall be borne as follows, that is to say: the amount of so much of the expenses of constructing any main drain or sewer, as shall, in the judgment of the said commissioners, exceed the cost of a proper lateral drain or sewer for the street in which such main drain or sewer shall be laid, shall be assessed upon the owners of lands other than those fronting on such streets or avenues as shall be drained by or discharge their waters through any lateral sewer in such main drain or sewer, in proportion to the benefit derived by such owners respectively by such main drain or sewer, not exceeding any actual benefit derived therefrom by them respectively; the balance of such expenses for the construction of any main drain or sewer, and the expenses of constructing any lateral drain or sewer, shall be assessed by the said commissioners upon the owners of lots fronting on the streets and avenues through which such sewer shall be laid, in proportion to the benefit derived by them respectively, not exceeding the actual benefit derived therefrom by them respectively.—*Ibid.*

Expense to be assessed and published.

§ 56. (7) The said commissioners shall cause assessments for the expenses as aforesaid of each sewer constructed by

them to be made out in proper form, with diagrams showing the property assessed, and the names of the owners thereof, and, when such assessment is made, publish a notice in the corporation newspapers that the same has been completed, and of a place in said city where the same may be examined, and of a time, not less than ten days thereafter, when, and a place in said city where they will meet to hear objections thereto; they shall then and there hear parties objecting, and shall thereupon proceed to amend and correct such assessment as they may deem proper; they shall then certify the same to be complete, and send the same so certified to the common council of said city, together with a copy of the contract made by them for the work, and a certificate of the expenses included in such assessments and to whom the same may be payable; and thereupon such assessments shall have the same force and effect as, and shall be deemed to be local assessments, within the operation of the charter and laws relating to said city, and the ordinances thereof, and the assessment therein made shall become a lien upon the lands so assessed, and the owners of the lands so assessed shall be liable to pay such assessments, and a warrant for the collection of the same shall be issued, and the actual collection thereof shall be made in the same manner as if such assessments were for a local improvement under the charter and laws, and of the ordinances of said city in relation to assessments for local improvements after the confirmation thereof, and in relation to the collection of the same, the making assessment liens upon the lands assessed, making the owners of lands and their personal property liable to pay assessments, the duties of collector and the other city officers in regard to collecting assessments, the sale of lands for the non-payment of assessments, the redemption of lands from sales for assessments, the description of assessment lists, the payment of money raised by assessment to the parties entitled to such moneys shall, so far as the same can be made applicable, apply to the assessments for such drains and sewers respectively, after the same shall be transmitted to the common council as aforesaid, and shall apply to the persons interested therein, and to the lands so assessed and the owners thereof respectively, and to the city officers and the parties entitled to the moneys so assessed.—*Ibid.*

Sewers to be erected and built, and how.

§ 57. (8) In case the said commissioners shall, in devising and framing a plan of sewerage and draining, find it necessary to construct a sewer or drain through any part of any street or avenue not opened by law, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through any part of such street or avenue not opened as a public street

or avenue, it shall be lawful for said commissioners, or a majority of them, to present a petition to the supreme court, at a general or special term thereof, held in the city of Brooklyn, for the appointment of commissioners to proceed to open said streets or avenues, in the same manner as now provided by law for opening streets and avenues, by petition to the common council of said city, and the said court, upon such application, shall be authorized to appoint such commissioners; ten days' notice of such application shall be published in the newspapers employed by the mayor and common council of the city of Brooklyn for the publication of ordinances and notices, stating the time and place when such petition will be presented to the court; all parties in interest may be heard before said court, and if said court shall make an order for the appointment of such commissioners, then all the laws in relation to opening streets and avenues in said city, the awarding of damages, making assessments a lien and fixing districts of assessment, and collecting such assessments, shall be applicable thereto, in the same manner as if such street or avenue had been opened on petition to the common council of said city.—*Ibid.*

Repealing clause.

§ 58. (9) All acts and parts of acts inconsistent with this act are hereby repealed so far as the same conflict with this act.—*Ibid.*

Board of water commissioners to be an *ex-officio* board of sewer commissioners.

§ 59. (1) The board of water commissioners, created by this act entitled "an act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, until the appointment of a permanent board of water commissioners, and after such appointment is fully completed and such board is organized, then such board of permanent water commissioners, for the time being, shall at all times hereafter be, *ex-officio*, the board of sewer commissioners for the city of Brooklyn. —*Laws of* 1859, *Chap.* 385.

Sewer commissioners.

§ 60. (2) The board of sewer commissioners shall have the exclusive control, superintendence and management of all sewers constructed or to be constructed in the said city. The current cost of altering, reparing and cleaning sewers, and all incidental expenses of management, shall be estimated by the said board, and be included in the amount to be raised by annual tax, pursuant to section three of the act entitled "an act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, hereby amended.—*Ibid.*

Land, how to be acquired.

§ 61. (3) The said board may take the like proceedings

which the water commissioners of the said city are now authorized to take to acquire land and interest therein for the construction and maintenance of sewers, where such sewer is proposed to run through lands which are not part of a public street or place. The cost and expenses incident thereto shall be assessed as a part of cost of constructing sewers, and upon such part of a sewer district as the said commissioners may designate as benefited thereby.—*Ibid.*

Sewer districts.

§ 62. (4) The said board of sewer commissioners shall proceed to lay out the said city into as many sewer districts as may be required in view of the effectual drainage of said city; each of said districts to consist of a main or principal sewer, having its outlet in the river or bay, or other proper place or outlet and a fall, branches of such main sewer and the collateral or inferior sewer running into such main or principal sewer; and the said districts shall each be so arranged as to be independent of each other as far as may be and when such districts are arranged, notice of the same shall be advertised for correction and review, as provided in the fourth section of the act hereby amended. After such districts shall have been finally arranged and approved, and the plans thereof duly filed in the manner provided in the said fourth section of the act hereby amended, the said commissioners may proceed, after the lapse of sixty days, to advertise for proposals for the construction of any part of the work required to be done in such sewer district. Such advertisement shall be made in the corporation newspapers of said city for thirty days, and the work so advertised shall be awarded to the lowest bidder who will give good and sufficient security, as required by said commissioners, for the faithful execution of such work, and the furnishing of the required and sufficient material therefor. During the sixty days after the filing of such plan as required by this act, the mayor of said city, upon the application of a majority of the owners of lands within such sewer district, may prohibit the said commissioners from proceeding with the construction of the whole or any part of the sewers in such sewer district; and thereupon all power on the part of said commissioners to proceed with the construction of the sewer or sewers specified in such prohibition shall cease and determine until such prohibition shall be withdrawn. The said commissioners shall in no case proceed with the construction of any sewer except upon the advertisement for proposals for the construction of the same as herein provided.—*Ibid.*

Mistakes not to vitiate the assessment.

§ 63. (5) Mistakes in any assessment list for sewers, and subsequent proceedings thereon, in the designation of any land or owner therein assessed, shall not vitiate the assess-

ment, provided the said board, before proceeding to a sale to collect such assessment, shall, on a notice of ten days, served upon or at the residence or place of business of the owner or legal representative, and published daily in the corporation newspapers of said city, correct such mistakes, and they are hereby authorized, upon such notice, to make such correction; and where any assessment is void for any defect or irregularity the owner and property affected may be reassessed for such improvement, in the mode and with the effect prescribed for the original assessment authorized for the construction of sewers.—*Ibid.*

Official maps, etc., to be used for reference.

§ 64. (6) The said board of sewer commissioners shall use and refer to the regular ward maps for the description of lands to be assessed for the cost of making any sewer; and it shall be a sufficient description of any lands in the proceedings for such assessment to give the name or number of the ward and the number of the lot so assessed as appearing upon the ward map, together with the name of the street or avenue upon which it is situated, and also the street number where known, and stating also upon which side of the street such lot is and the names of the next adjoining streets, avenues or places which intersect the street upon which said lot is situate and form the block. Before any assessment laid for the construction of sewers shall be finally certified by the said board to the common council to be complete, they shall carefully examine, correct and perfect the same, and no other certificate shall be necessary to authorize the common council to issue a warrant for the collection of the assessments. All legal proceedings authorized or required by this act shall be conducted by or under the direction of the corporation counsel of the city of Brooklyn, and no compensation shall be paid to him therefor.—*Ibid.*

Mayor, comptroller and clerk may borrow money.

[To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said board may deem necessary, the mayor, comptroller and clerk of said city shall, on the requisition of the said board, and from time to time as so required, borrow such sums, not to exceed five hundred thousand dollars outstanding at any one time, upon the bonds of said city, which they are hereby authorized to issue for that purpose, bearing interest not exceeding seven per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the city treasurer, to the credit of said board, who shall draw therefor in the usual manner and as may be required for the said purposes.—*As amended by Laws of* 1860, *Chap.* 433.]

§ 65. (8) The principal and interest of the said bonds shall be paid out of the assessments for constructing sewers, authorized by the act hereby amended. Any estimated deficiency in moneys collected upon such assessments, to meet the accruing interest upon and ultimately to pay the principal of the said bonds, shall be included in the taxes authorized by section three of the said act.—*Laws of* 1859, *Chap.* 385. Principal and interest to be paid from assessments.

§ 66. (9) The said board may prescribe regulations for the use of the said sewers, may license persons to open the same, and may prescribe a fee for opening and making a connection with any sewer, to be paid to the said board, and by them to be paid to the treasurer of the said city to the credit of the sewer fund.—*Ibid.* Regulations, licenses, etc.

§ 67. (10) Two and one-half per cent for collection fees shall be added to and included in the sum to be apportioned and assessed for the costs of constructing sewers, which percentage shall be deducted by the collector from all assessments paid within thirty days from the time when the same shall be payable; and the same percentage shall be added to such assessments and collected for defaults, which are authorized by law to be added to and collected for defaults in the cases of other local assessments in the said city. All such additions for collection fees and defaults shall, together with said assessments, when collected, be paid daily to the treasurer of the said city to the credit of the sewer fund, and shall not be diverted therefrom.—*Ibid.* Collection fees.

§ 68. (11) All provisions of law creating civil and criminal liabilities for wrongs and injuries done to the Brooklyn water works shall apply in like manner and extend to wrongs and injuries done to sewers in the said city; and the said board shall have the like powers to maintain actions and proceedings in the courts, in respect to sewers and all matters relating thereto, which the board of water commissioners have in respect to the water works and all matters relating thereto.—*Ibid.* Provisions of law to apply.

§ 69. (12) All acts and parts of acts inconsistent with this act are hereby repealed, but nothing in this act shall affect any proceedings or contract of said commissioners heretofore had or made for the construction of any sewer in said city.—*Ibid.* Inconsistent acts repealed.

§ 70 (1) After an assessment for the construction of sewers has been confirmed, pursuant to the provisions of existing laws, any owner or owners of property assessed may, within sixty days after the abstract of an assessment Persons to appear, etc.

roll has come into the hands of the collector of taxes and assessments, appear in person, or by some person legally authorized to act for them, and then and there elect whether they will pay the whole of their assessment, or in equal instalments of not less than one-third of the sum assessed; and in no case shall the time of payment be extended beyond three years from the date of the confirmation of said assessment. If the owner or owners of any property assessed should appear in person, he, she or they shall file with the collector an affidavit of such ownership, and if not the owner, then the person so appearing shall file with the collector an affidavit that a power of attorney had been given them by such owner or owners, and shall file the same, or a copy thereof, with said collector.—*Laws of* 1861, *Chap.* 136.

When an election has been made.

§ 71. (2) When an election has been made as herein provided, or any agreement entered into between the owner or owners of property assessed, the said collector (who is authorized to make such agreement) shall write in ink, or cause to be written in ink upon the abstract of said assessment roll the substance of said agreement, but nothing herein contained shall be construed to prevent the whole of such assessment from becoming a lien upon the property assessed immediately after the confirmation thereof. Whenever any owner or owners of property are assessed and neglect or refuse to make an election within the time fixed by this act, then the whole sum shall become due and payble in the same manner as now provided by law; and the same percentage shall be added to such assessment and collected for default which is now authorized by law to be added to and collected for defaults in the cases of other local assessments in the city of Brooklyn. All such additions for defaults shall, together with said assessment when collected, be paid daily to the treasurer of said city to the credit of the sewer fund, and shall not be diverted therefrom. Where the owner or owners of property shall elect to pay in instalments interest at the rate of seven per cent. per annum shall be charged upon each instalment from and after the date of the confirmation of the assessment until the same shall become due, and thereafter one per cent. per month additional until paid.—*Ibid.*

Owners of property to be entitled to certain privileges.

§ 72. (3) Any owner or owners of property assessed for the construction of sewers, and since the passage of an act entitled "an act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, and who had not paid the same at the time of the passage of this act, shall be and they are hereby entitled to the same advantage as those who shall hereafter

be assessed, except that payment shall first be made of the amount accrued for default and interest at the time of making such election.—*Ibid.*

An outlay to be met.

§ 73. (4) To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said board may deem necessary, the mayor, comptroller and clerk of the said city shall, on the requisition of the said board, and from time to time as so required, borrow such sums, not to exceed eight hundred and fifty thousand dollars outstanding at any one time upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the city treasurer to the credit of said board, who shall draw therefor in the usual manner and as may be required for the said purposes.—*Ibid.*

Repeal of inconsistent acts.

§ 74. (5) All acts and parts of acts inconsistent with this act are hereby repealed.—*Ibid.*

Assessment for temporary sewers.

§ 75. (6) Whenever it shall become necessary to construct a sewer or drain in any street or avenue for the purpose of preventing damage to property or to abate a nuisance, and it shall have become impracticable to proceed immediately to the construction of the same in accordance with any plan already adopted by the sewerage commissioners of the city of Brooklyn for the drainage district in which such streets are situated, by reason of any street therein not having been graded, thereupon, at the request of the common council of said city, the sewer commissioners thereof shall have power to construct a temporary sewer or drain in such manner as to avoid such damage or abate such nuisance; and the cost of said temporary sewer or drain shall be assessed upon the property draining into the same and benefited thereby. The assessment for such temporary sewers shall be laid, levied and collected in the manner provided in the act hereby amended for the assessment and collection for the construction of sewers under said act.—*Ibid.*

Powers of Board extended.

§ 76. (1) All the powers and duties conferred and imposed by law upon the board of water commissioners, organized under the act of February eleven, eighteen hundred and fifty-seven, entitled "an act to provide for the supply of the city of Brooklyn with water," are hereby vested in the permanent board of water commissioners organized under an act passed April sixteen, eighteen hundred and fifty-nine, also entitled "an act to provide for

the supply of the city of Brooklyn with water."—*Laws of* 1865, *Chap.* 699.

Sales of lands for non-payment of water rents, how to be made.

§ 77. (1) The permanent board of water commissioners shall, on or before the first day of August in each year, make a correct abstract from the annual register in their office of all arrears of water rates and defaults due up to the first day in each year remaining unpaid; and which water rates shall have been due at least three years prior to the time of making up said amounts. They shall then proceed to sell the lands and premises upon which the same are imposed, by advertisement, in the same manner and with the like effect as the collector of taxes is authorized and required to sell lands in the said city for unpaid taxes. The lands so sold shall be subject to the same charges and interest on amount of sales, until redemption, as lands sold for unpaid taxes in said city are subjected to. Certificates of such sale and conveyances shall be executed by the president of said board of commissioners, and shall have the same effect as certificates and conveyances of lands for unpaid taxes, and shall be recorded and discharged of record in the office of said commissioners, and the said board shall have the same powers in relation to certificates, conveyances and redemptions of the lands so to be sold for unpaid water rates, as the said collector has or may have in relation to certificates, conveyances and redemptions of lands sold for unpaid taxes. And persons interested in said lands so to be sold for water rates shall be entitled to redeem said lands from such sales, on the same conditions as persons are or shall be entitled to redeem lands sold for unpaid taxes in said city; provided that the president of the said board of commissioners alone shall be required to sign any certificate, conveyance, discharge or redemption.—*Laws of* 1867, *Chap.* 120.

Certificates of sale to be executed.

Sales, how to be redeemed.

Money to be borrowed to meet cash outlay for sewers.

§ 78. (1) Section seven of chapter three hundred and eighty-five of the laws of eighteen hundred and fifty-nine is hereby amended so as to read as follows: to meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said board may deem necessary, the mayor, comptroller and city clerk of said city shall, on the requisition of said board and from time to time as so required, borrow such sums, not to exceed one million of dollars outstanding at any one time, upon the bonds of said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the city treasurer to the credit of the said board, who shall draw therefor in the usual man-

ner, and as may be required for the said purposes.—*Laws of* 1867, *Chap.* 935.

Streets to be regraded and repaved when necessary for drainage.

§ 79. (2) Whenever it shall become necessary to raise the grade of any street or streets for the proper sewerage of the sewer district in which said street or streets or parts of streets are situated, the sewer commissioners are hereby authorized and empowered to regrade and repave said streets or parts of streets so far as shall be necessary for the proper drainage thereof, and the expense of such regrading and paving shall be chargeable and included in the assessment laid for the sewering of said district for the construction of the sewer thereof.—*Ibid.*

Salary of Commissioners.

§ 80. (3) The sewer commissioners of the city of Brooklyn shall each receive for their services, as such commissioners, an annual salary of one thousand dollars, payable from the general sewer fund, to commence on the first day of February, eighteen hundred and sixty-seven, and to be paid quarterly thereafter.—*Ibid.*

Notice in reference to stagnant water.

§ 81. (1) Whenever it shall appear to the metropolitan board of health that any surface-water has been or shall be liable to be ponded at any place in the city of Brooklyn, and remain stagnant so as to be or become a nuisance dangerous to the public health in the vicinity thereof, they shall cause a notice in writing to be served upon the board of sewerage commissioners of said city, specifying the location of such place.—*Laws of* 1867, *Chap.* 687.

Duties of Sewerage Commissioners.

§ 82. (2) Said board of sewerage commissioners, upon receiving such notice, shall examine and ascertain whether such ponding of water has been or is liable to be caused by the erection of any building, fence, wall or other obstructions, so as to prevent the natural or usual flow or passage of surface-water, and for that purpose and for the purpose of draining such water from such pond; and said sewerage commissioners, their agents and workmen shall be, and hereby are, authorized to enter into and upon any lands and premises in the vicinity of the place designated in said notice, and cause a suitable drain to be made, a suitable pipe to be laid across any land above or below the surface thereof, as they may deem best, so as to drain such water from such pond or place and cause it to flow and be discharged into some place, street or sewer.—*Ibid.*

And their estimation.

§ 83. (3) Said sewerage commissioners shall estimate the damage which may be sustained by the owner or owners of the land upon which such drain shall be made or pipes laid after giving to such owner or owners ten days previous no-

tice, in writing, of the time and place of making such estimate, which notice shall be served upon such owner or owners personally, or leaving the same at his or their usual place of residence, or upon the premises where such drain or pipe shall be made or laid, with some person of suitable age to receive the same.—*Ibid.*

Payment of damages out of general fund.

§ 84. (4) If said sewerage commissioners shall, under all the circumstances, deem it proper that such damage and the cost and expenses incurred in making such drain or laying such pipe shall be borne by the public, as being necessary to prevent or abate a nuisance dangerous to the public health, they shall pay the same out of the general fund raised for sewerage purposes; but if they shall not deem it proper that such damages, cost and expenses should be so paid, then they shall make a just and equitable assessment thereof upon all the lands upon which the building, fences, walls or other obstructions, which has caused such water or pond, shall have been or shall be made, and upon such other land adjacent thereto, if any of the owners of which, in the opinion and judgment of said commissioners, ought, in justice, to bear and pay any part thereof, and the assessment so made shall be liens upon the lands assessed, and shall be collected in the same manner as other assessments made for the cost and expense of constructing sewers in said city are collected.—*Ibid.*

§ 85. (5) If any person shall wilfully destroy or injure any such drain-pipe, or obstruct or prevent the passage of water through the same, he or she shall be guilty of misdemeanor.—*Ibid.*

§ 86. (1) It shall not be lawful to establish any cemetery or place of burial, or burial-vaults or other place for the reception or burial of dead bodies, or to bury or deposit in vaults any dead body within a distance of half a mile of the Ridgewood reservoir, or any other reservoir or any pond used for the supply of the city of Brooklyn with water. But nothing herein contained shall be construed to prevent burials in any cemetery, already established, or grounds now held by any religious corporation or society organized under the laws of this state.—*Laws of* 1868, *Chap.* 591.

Appointment of Board of Water and Sewerage Commissioners.

§ 87. (1) The mayor, comptroller, corporation counsel and city treasurer of the city of Brooklyn, or a majority of them, shall meet in the mayor's office in the City Hall, Brooklyn, within twenty days after the passage of this act, and they or a majority of them shall appoint four citizens, residents of the city of Brooklyn, to act as water and sewerage commissioners of said city of Brooklyn, and the per-

sons so appointed shall, after their appointment and qualification as hereinafter provided, form the permanent board of water and sewerage commissioners for the city of Brooklyn, and shall hold their offices for the terms hereinafter mentioned, and until their successors shall be appointed and shall qualify, and the term of office of the present water and sewerage commissioners of said city shall, upon such appointment and qualification, cease and determine.—*Laws of* 1869, *Chap.* 97.

Term of present Commissioners to expire upon such appointment.

§ 88. (2) The persons so appointed, before entering upon their office and within ten days after their appointment, shall qualify as follows: They shall each subscribe and file in the office of the clerk of said city an oath of office, and execute to the city of Brooklyn, and file in said clerk's office a bond, with two or more sureties in the penal sum of twenty thousand dollars, conditioned for the faithful performance of his duties, and for the faithful accounting for all moneys which may come into his hands, and which said bond shall be approved of as to form and manner of execution, and as to sufficiency of the sureties by one of the justices of the supreme court of the second judicial district, or by the county judge of the county of Kings. And in case any of such persons so appointed shall fail to qualify or enter upon the duties of his office, or in case for any reason the said the mayor, the comptroller, the corporation counsel and the city treasurer, or a majority of them, shall fail to meet or make the appointments hereinbefore directed, on the day hereinbefore named, then it shall be competent for the said the mayor, the comptroller, the corporation counsel and the city treasurer, or a majority of them, and they are hereby directed to meet as soon thereafter as possible, make said appointments, and fill any vacancy occasioned by the failure to qualify of any person therefor appointed. —*Ibid.*

Oath of office and official bonds of Commissioners.

Approval of bonds.

Appointments in case of failure to qualify, etc.

§ 89. (3) The persons so appointed, after they shall have duly qualified, shall form the permanent board of water and sewerage commissioners, and shall have all the rights, privileges, authority and power now vested by existing laws in the present board of water and sewerage commissioners, and all acts, contracts and proceedings, already commenced and now pending, shall be fully continued, completed and performed by the board of commissioners created by this act, as fully and with the same force and effect as if the same were continued, completed and performed by the present board, were this act not passed.—*Ibid.*

Rights and powers of commissioners.

§ 90. (4) The persons so appointed, within thirty days after their appointment, and in presence of the said the

Drawing for terms of office and their classification.

mayor, the comptroller, the corporation counsel and city treasurer, or a majority of them, shall draw lots for their terms of office, which shall respectively expire on the first Monday of July, eighteen hundred and seventy-three, eighteen hundred and seventy-five, eighteen hundred and seventy seven and eighteen hundred and seventy-nine, and the city officers so present at said drawing, or a majority of them, shall certify the same to the city clerk. And after the expiration of said respective terms, the persons thereafter appointed as such commissioners shall hold their office respectively for the term of eight years from the said first Monday of July, on which their predecessors' term shall respectively expire.—*Ibid.*

Full term of office to be eight years.

Vacancies, how filled.

§ 91. (5) The said mayor, comptroller, corporation counsel and city treasurer or a majority of them shall have power to fill any vacancy occurring in the said board, and the person or persons so appointed shall hold office respectively for the balance of the term of the person or persons in whose place he or they shall have been appointed, and in every year in which any vacancy shall occur by expiration of the regular term of any member of said board, it shall be the duty of the said mayor, comptroller, corporation counsel and the city treasurer or a majority of them, on the first Monday of June or as soon thereafter as possible, to meet in the mayor's office in the City Hall and appoint a person to fill the vacancy which will occur by the expiration of said term. All persons appointed as members of said board shall, before entering upon their duties, file the oath of office and bond hereinbefore required.—*Ibid.*

Power of Board as to work upon streets, side and cross-walks.

§ 92. (6) The said board shall have exclusive power to cause streets to be repaved, regraded and repaired, to cause cross-walks to be relaid and sidewalks to be reflagged, and generally to have such other improvements in and about such streets so to be repaved, regraded or repaired, to be made as in their judgment the public wants and convenience shall require. The expense of all such improvements in cases where such expenses shall exceed two hundred and fifty dollars, and in cases of repairs, shall be assessed and be a lien upon the property benefited thereby in proportion to the amount of such benefit, and in all other cases shall be a general city charge.—*Ibid.*

In what cases improvements shall be a lien upon property.

District of assessment to be fixed before work shall be done.

§ 93 (7) Before any work of repaving or regrading any street shall be done or contract for doing the same, either in whole or in part be executed, the said board shall fix a limit or district of assessment for the payment of the expense thereof, and beyond which no assessment shall be made. The resolution fixing the same shall be published

in the corporation newspapers for two weeks, and a notice attached thereto that remonstrances against such district will be considered if filed with the city clerk before a time to be specified, not less than twenty days after the first publication of said notice. At any time of the last-mentioned time the said board may confirm, and in case of remonstrances filed in pursuance of such notice may amend or alter the district originally fixed by them, and such determination shall be conclusive.—*Ibid.*

Resolution fixing same to be published.

District may be amended before confirmation.

§ 94. (8) The said board are authorized to have the said improvements carried out in such form and manner as they shall deem to be for the best interest of the public, and either under their personal supervision or under the supervision of a superintendent whom they are hereby authorized to appoint or by contract, but no contract shall be made for work, the expense of which shall exceed two hundred and fifty dollars, unless advertisement for proposals for doing such work shall be made in the corporation newspapers for at least twenty days, and in such case any contract shall be awarded to the lowest responsible bidder whose proposal shall in the judgment of said board be the most beneficial to the public and who shall give satisfactory security.—*Ibid.*

Improvements may be done by contract or otherwise.

Proposals for work, how advertised and awarded.

§ 95 (9) The said board shall file with the comptroller of said city a certified copy of the resolution under which any local improvement is directed to be made and statements from time to time of the cost thereof as they may require funds to make payments for the cost thereof, which statements may be at any time corrected or amended; and if the said work be done by contract then also a certified copy of such contract and such statement, resolution and copy contract shall, in the case of work done by contract, be filed within ten days after the execution of such contract. —*Ibid.*

Copies of resolutions ordering work and contract to be filed with comptroller.

§ 96. (10) For the purpose of providing the necessary funds and paying for the work herein above referred to, the comptroller is authorized and directed to pay on the requisition of said board, to be signed by the president and secretary, for the amount of all work done under its personal supervision or that of its superintendent, at such times and manner as said board shall require. When such work shall be done under contract, however, the said comptroller is authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month) seventy per cent. of the estimated value of the work actually done under said contract until the same shall be completed, such estimate to be

Payments for work, how made by comptroller.

Payments to contractors.

mayor, the comptroller, the corporation counsel and city treasurer, or a majority of them, shall draw lots for their terms of office, which shall respectively expire on the first Monday of July, eighteen hundred and seventy-three, eighteen hundred and seventy-five, eighteen hundred and seventy seven and eighteen hundred and seventy-nine, and the city officers so present at said drawing, or a majority of them, shall certify the same to the city clerk. And after the expiration of said respective terms, the persons thereafter appointed as such commissioners shall hold their office respectively for the term of eight years from the said first Monday of July, on which their predecessors' term shall respectively expire.—*Ibid.*

Full term of office to be eight years.

Vacancies, how filled.

§ 91. (5) The said mayor, comptroller, corporation counsel and city treasurer or a majority of them shall have power to fill any vacancy occurring in the said board, and the person or persons so appointed shall hold office respectively for the balance of the term of the person or persons in whose place he or they shall have been appointed, and in every year in which any vacancy shall occur by expiration of the regular term of any member of said board, it shall be the duty of the said mayor, comptroller, corporation counsel and the city treasurer or a majority of them, on the first Monday of June or as soon thereafter as possible, to meet in the mayor's office in the City Hall and appoint a person to fill the vacancy which will occur by the expiration of said term. All persons appointed as members of said board shall, before entering upon their duties, file the oath of office and bond hereinbefore required.—*Ibid.*

Power of Board as to work upon streets, side and cross-walks.

§ 92. (6) The said board shall have exclusive power to cause streets to be repaved, regraded and repaired, to cause cross-walks to be relaid and sidewalks to be reflagged, and generally to have such other improvements in and about such streets so to be repaved, regraded or repaired, to be made as in their judgment the public wants and convenience shall require. The expense of all such improvements in cases where such expenses shall exceed two hundred and fifty dollars, and in cases of repairs, shall be assessed and be a lien upon the property benefited thereby in proportion to the amount of such benefit, and in all other cases shall be a general city charge.—*Ibid.*

In what cases improvements shall be a lien upon property.

District of assessment to be fixed before work shall be done.

§ 93 (7) Before any work of repaving or regrading any street shall be done or contract for doing the same, either in whole or in part be executed, the said board shall fix a limit or district of assessment for the payment of the expense thereof, and beyond which no assessment shall be made. The resolution fixing the same shall be published

in the corporation newspapers for two weeks, and a notice attached thereto that remonstrances against such district will be considered if filed with the city clerk before a time to be specified, not less than twenty days after the first publication of said notice. At any time of the last-mentioned time the said board may confirm, and in case of remonstrances filed in pursuance of such notice may amend or alter the district originally fixed by them, and such determination shall be conclusive.—*Ibid.*

Resolution fixing same to be published.

District may be amended before confirmation.

§ 94. (8) The said board are authorized to have the said improvements carried out in such form and manner as they shall deem to be for the best interest of the public, and either under their personal supervision or under the supervision of a superintendent whom they are hereby authorized to appoint or by contract, but no contract shall be made for work, the expense of which shall exceed two hundred and fifty dollars, unless advertisement for proposals for doing such work shall be made in the corporation newspapers for at least twenty days, and in such case any contract shall be awarded to the lowest responsible bidder whose proposal shall in the judgment of said board be the most beneficial to the public and who shall give satisfactory security.—*Ibid.*

Improvements may be done by contract or otherwise.

Proposals for work, how advertised and awarded.

§ 95 (9) The said board shall file with the comptroller of said city a certified copy of the resolution under which any local improvement is directed to be made and statements from time to time of the cost thereof as they may require funds to make payments for the cost thereof, which statements may be at any time corrected or amended; and if the said work be done by contract then also a certified copy of such contract and such statement, resolution and copy contract shall, in the case of work done by contract, be filed within ten days after the execution of such contract. —*Ibid.*

Copies of resolutions ordering work and contract to be filed with comptroller.

§ 96. (10) For the purpose of providing the necessary funds and paying for the work herein above referred to, the comptroller is authorized and directed to pay on the requisition of said board, to be signed by the president and secretary, for the amount of all work done under its personal supervision or that of its superintendent, at such times and manner as said board shall require. When such work shall be done under contract, however, the said comptroller is authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month) seventy per cent. of the estimated value of the work actually done under said contract until the same shall be completed, such estimate to be

Payments for work, how made by comptroller.

Payments to contractors.

made by said board or such superintendent or inspector as they may direct. Upon the final completion of any contract to the satisfaction of said board and the filing of a resolution accepting such work, the comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance due on said contract, which shall be estimated by said board, and the amount specified in said resolution. The comptroller is also authorized and directed to make payments in like manner to any city surveyor who may be employed by said board in relation to such work of his fees as fixed by ordinance.—*Ibid.*

Final payments upon contracts.

Payments to city surveyors.

City assessment bonds authorized.

§ 97 (11) For the purpose of furnishing the money required to make the payments mentioned in the preceding section, the mayor, comptroller and city clerk of said city are hereby authorized and directed, from time to time, as may be necessary, to issue, under the city seal, assessment bonds, payable at the expiration of three years with interest not exceeding seven per cent. per annum, payable semi-annually, which bonds shall be sold and the proceeds used according to the provisions of the preceding section and for no other purposes. The amounts collected from any and all assessments levied and confirmed under the provisions of this act, together with all defaults and interests on the same are hereby specially appropriated and set apart for the payment of the principal and interest of the bonds mentioned in the preceding section, and there shall also be added to every assessment levied under the provisions of this act a sufficient sum to pay the interest on all payments made on account of the improvement.—*Ibid.*

When payable.

Rate of interest.

Assessments, defaults, etc., made applicable to payment of bonds.

Comptroller to keep account of bonds and unpaid assessments.

§ 98. (12) It shall be the duty of the comptroller of said city to keep an account of the bonds to be issued under the provisions of this act, and he shall make detailed accounts to the common council of said city annually and oftener, if required, of the whole amount of assessment bonds issued and the amount of assessments remaining unpaid at the time of his said report.—*Ibid.*

City assessors to apportion and assess expenses of improvements.

§ 99. (13) After the completion of any local improvement the said board of water and sewerage commissioners, shall, by resolution, direct the board of assessors of the city of Brooklyn, and it shall be the duty of said assessors immediately to apportion and assess the expenses thereof as may be fixed by the said board of water and sewerage commissioners, including a reasonable allowance for interest, inspectors' and surveyors' fees and for fees of city officers, together with three per cent. for expenses for collection, upon the several pieces or parcels of land and premises, in the judgment of the said board of assessors

benefited by said improvement, not beyond the district of assessment, when one shall have been fixed as aforesaid.—*Ibid.*

Notice of hearing and review of assessments.

§ 100. (14) The board of assessors shall make a report in writing of the assessment so to be made by them, and shall give notice in the corporation newspapers of the city that they have made the same, which notice shall be published for ten days successively of the time and place when and where the parties interested can be heard, and after such date the said board shall proceed to review the same and may amend or alter the said report in such manner as they may think just, any alterations to be noted by them, and they shall complete and confirm the same, and the determination so made by them shall be conclusive, and, at the expiration of twenty days thereafter, the assessments therein made shall be respectively liens upon the property assessed and which lien shall have priority over all other liens and incumbrances. Whenever any of the lots, pieces or parcels of lands so benefited shall be under water and belongs to the state, the said board of assessors shall, in respect to such land, make such assessment on the right, interest and claim to and in the said land of the person or persons who may be entitled to a grant of such lands from the commissioners of the land office; and all the provisions of this act applicable to said improvement and the collection of the assessments therefor shall apply to such right, interest and claim and to the person entitled to the same. Nothing herein contained shall be construed so as to affect the title of the state in or to the said lands; but any person or persons who shall take the title to said lands from the state, and while the same remains unpaid, shall take the same subject to the lien of said assessments, provided that the provisions herein contained shall be deemed to apply to lands under water lying in the eighth, tenth and twelfth wards of the city of Brooklyn, and to none others. —*Ibid.*

Alteration and confirmation of assessments.

Assessment to be liens upon property assessed.

Provisions as to lands under water.

Title of state to lands under water not to be affected.

Purchasers of such lands to take same subject to liens.

Correctness of assessment report to be certified by corporation attorney.

§ 101. (15) Before the board of assessors shall complete and confirm any report, the assessment shall be examined by the attorney and counsel of the city, and he or his assistant shall certify as to the correctness of the proceedings, and he may reject the same if he find legal irregularity therein, and the said board of assessors shall, upon receiving a certificate of such rejection, proceed to take new proceedings as if they had made no report. The attorney and counsel shall also certify as to the sufficiency of the proceedings for a local improvement previous to the making of any contract or paying any money, which certificates shall be included in the assessment roll. But it is hereby

Sufficiency proceedings local improvements to be certified in like manner.

Proviso as to validity of assessments.

declared that the provisions of this section are simply for the protection of the city, and that the failure to carry out any of them shall not affect the validity of any assessment, neither shall any assessment be invalid because the correct name of any owner or property assessed shall not be stated. —*Ibid.*

Repairing and cleaning of streets.

Work may be done by contract or day's work.

Advertisement for proposals, how advertised.

Contracts, how awarded.

In what case contracts may be awarded without advertisement.

§ 102. (16) The board of water and sewerage commissioners shall have exclusive power and authority in relation to the repairs to and cleaning of the streets of said city. The said board is authorized to have such work done in such manner as they shall deem to be for the best interest of the city, and cause the same to be done by day's work, either under their personal supervision or that of a superintendent, whom they are authorized to appoint, or by contract; but no contract shall be made for work, the expense of which shall exceed two hundred and fifty dollars, unless advertisement for proposals for doing such work shall be made in the corporation newspapers for at least ten days, and in such case any contract shall be awarded to the lowest responsible bidder whose proposal shall, in the judgment of said board, be the most beneficial to the public, and who shall give satisfactory security. But in case of dangerous breaks in any street, caused by storm, accident or flood, they may, by unanimous vote, award a contract for doing such work without such advertisement.—*Ibid.*

Tax for repairs and cleaning of streets.

§ 103. (17) The said board shall report to the mayor what amount is necessary to do the work of repairing and cleaning the streets of the city, and which amount shall be a charge upon the city at large, and shall be raised in the taxes levied in said city for the next fiscal year.—*Ibid.*

Chief engineer and assistants, superintendents, etc.

§ 104. (18) The said board may appoint, during pleasure, a chief engineer and assistants, and such and so many superintendents, subordinate officers and employees as the carrying out of the provisions of this act may require.—*Ibid.*

Salary of commissioners.

§ 105. (19) The members of said board shall each receive an annual salary of five thousand dollars, payable quarterly.—*Ibid.*

Acts relative to local assessments made applicable.

§ 106. (20) All provisions of law in relation to the collection of local assessment in the city of Brooklyn, and sale for the non-payment of the same, shall apply to all assessments levied under this act for any of the purposes therein mentioned.—*Ibid.*

§ 107. (21) All acts or parts of acts inconsistent herewith are hereby repealed.—*Ibid.* Repeal.

§ 108. (1) Section seven of chapter three hundred and eighty-five of the laws of eighteen hundred and fifty-nine, entitled "an act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows: to meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said board may deem necessary, the mayor, comptroller and city clerk of the said city shall, on the requisition of said board, and from time to time as so required, borrow such sums, not to exceed two millions of dollars outstanding at any one time, upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent. per annum, and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the city treasurer to the credit of said board, who shall draw therefor in the usual manner and as may be required for the said purpose.—*Ibid.*

Money may be borrowed.

City bonds to issue.

Rates of interest, and when payable.

Proceeds to be paid to the city treasurer.

§ 109. (2) Section one, two, and three of chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-one are hereby repealed, but such repeal shall not affect any rights acquired by any election heretofore made to pay any assessments in instalments.

Repeal.

Saving clause.

§ 110. (1) The length of the terms of office of the several persons appointed to act as water and sewerage commissioners of the city of Brooklyn, under and pursuant to the act passed the second day of April, eighteen hundred and sixty-nine, entitled "an act to reorganize the board of water and sewerage commissioners, and to provide for the repaving, repairing and cleaning the streets of the said city, by said board," is hereby fixed so that the terms of the two of such appointees expiring in the year eighteen hundred and seventy-nine, and eighteen hundred and seventy-seven, according to such act, shall both expire on the first Monday of July, eighteen hundred and seventy-four. The term of the appointee expiring in the year eighteen hundred and seventy-three, shall expire on the first Monday of July in the said year; and the term of the appointee expiring in the year eighteen hundred and seventy-five, shall, upon the passage of this act cease and determine. From and after the passage of this act, the said board shall consist of three members only. On the first Monday of June, in the years on which the terms of office of said commissioners shall expire, the mayor shall nominate a suitable person as one of

Term of office of commissioners.

Number of commissioners reduced.

Appointment of successors.

the said commissioners to the board of aldermen of said city, who shall confirm or reject the same, and similar nomination and action shall be had by the mayor and board of aldermen as often as may be necessary, until an appointment shall be made. From and after the expiration of the terms as aforesaid, the person or persons appointed as hereinbefore provided shall hold their terms for five years from the first Monday of July thereafter, and until their successors, as herein provided, shall be appointed and duly qualified. All vacancies occurring in the said board by death, resignation, removal from the city or removal from office, shall be filled by the mayor and board of aldermen in the manner aforesaid for the unexpired term so vacated.—*Laws of* 1870, *Chap.* 652.

Length of full terms.

Vacancies, how filled.

Power of board to repair streets and relay cross-walks.

§ 111. (2) The sixth section of the said act is hereby amended so as to read as follows: the said board shall have exclusive power within said city to cause streets to be repaired, and cross-walks to be relaid, and the expense thereof shall be a general city charge; but in no one year shall such expense exceed the amount appropriated for that purpose by the joint board of city supervisors and common council of the said city. The said board of commissioners shall also have exclusive power within said city to cause streets to be regraded and repaved; but with no other kind of pavement than that existing thereon at the time the same shall be proposed to be repaved, unless upon the application in writing of a majority of the owners of the land fronting on the street or part of street so proposed to be repaved, asking for another and different kind of pavement, and specifying the particular kind of pavement the petitioners desire, or expressly submitting the same to the judgment of the commissioners, and upon such application only the said board of commissioners may proceed and cause such different kind of pavement to be laid. In all cases of repavement the said board shall proceed according to the provisions of this act.—*Ibid.*

Regrading and repaving of streets.

Change in kind of pavement when land-holders agree.

Proceedings for change of plan of drainage and sewerage.

§ 112. (3) Whenever the said commissioners shall deem it necessary to alter or change the plan of drainage and sewerage in any district where the same has been established as the permanent plan of sewerage in such district, it shall be lawful for the said commissioners to prepare a plan of such proposed alteration and change, and proceed in relation thereto in the same manner as provided by law for the establishment of the original plan, and, when established, file copies of such altered plan in the office of the street commissioner of said city, and in the office of the register of the county of Kings, and thereupon such alteration shall be established as a part of the permanent plan of sewerage of the city.—*Ibid.*

Copies of plan how filed.

Repaving of Vanderbilt and Atlantic avenues.

§ 113. (4) The said board of commissioners shall have power to cause Vanderbilt avenue, as recently widened between Atlantic avenue and Prospect park, to be repaved; and also to cause Atlantic avenue, between Flatbush avenue and Classon avenue, to be repaved, and the provisions of the said act as hereby amended shall apply to such repavements. The board of assessors of the city of Brooklyn may determine what, if any portion of the expense of the repaving of Atlantic avenue, as aforesaid, shall be borne by the city at large; and in case any portion of such expense shall be thus assumed by the city, the balance of such expense shall be assessed as in and by the said act, as hereby amended, is provided for the assessment of the expense of repairing streets; any amount assumed by the city, as aforesaid, shall be levied and collected in the next annual taxes of the said city.—*Ibid.*

Assessors to determine portion to be paid by city.

Plan for furnishing increased supply of water.

§ 114. (5) It shall be the duty of the said commissioners to prepare and submit to the common council of said city, at as early a day as practicable, a plan for furnishing an increased supply of water for said city, including such extension of the present works, and the construction of such further reservoirs, conduits, and other structures, as may be necessary for that purpose, together with an estimate of the probable expense thereof. The said common council shall examine such plans and estimates, and shall determine what may be most expedient for the object aforesaid to be done, and may adopt such plan, or any portion thereof as it may deem proper. And thereupon the said commissioners shall proceed to carry such determination into effect, as provided by this act. They shall acquire in the name of the said city the title to such lands, ponds and streams as may be necessary, but before any purchase shall be made thereof by them, they shall report the terms and conditions to the said common council and obtain its approval thereof. Upon the approval by said common council of the before-mentioned provisions, the said commissioners shall cause said work to be done, and shall employ proper persons to inspect the same.—*Ibid.*

Common council to adopt a plan.

Title to lands and waters, how acquired.

Acts applicable thereto.

§ 115. (6) The provisions of the act to incorporate the Nassau water company, passed April twenty-fifth, eighteen hundred and fifty-five, and of the act to provide for the supply of the city of Brooklyn with water, passed April sixteenth eighteen hundred and fifty-nine, for the acquiring of lands, ponds and streams by purchase or otherwise, for ascertaining the compensation to owners and occupiers of land or water, which may be taken or used, and the payment thereof, for the issuing of the bonds of said city for the payment of the expenses authorized by this act, for the

levying by tax on the taxable property in said city, the amounts necessary to pay such bonds and the interest thereon as it shall become due, for the sale of such bonds, and for the pledge of the property of said city for the payment of such bonds, are hereby adopted as a part of this act, so far as they can be made applicable to the purposes hereof. —*Ibid.*

Repaving part of Lafayette avenue.

§ 116. (7) The said commissioners are hereby authorized to repave Lafayette avenue, between Flatbush avenue and Bedford avenue, in said city, with such pavement as a plurality of the owners may petition for.—*Ibid.*

Board to appoint a secretary.

§ 117. (8) The said board may appoint a secretary who shall perform all the duties, and be possessed of all the powers of the present secretary of said board, save and except his vote as a commissioner of said board, and shall fix his pay and compensation. He shall give bonds for the faithful performance of his duties as such officer in the same amount and manner as prescribed by law for the commissioners now in office.—*Ibid.*

Duty of board of water and sewerage commissioners.

§ 118. (1) It shall be the duty of the permanent board of water and sewerage commissioners of the city of Brooklyn to proceed to carry into effect the plan for the furnishing an increased supply of water for said city, and for such extension of the present water works of said city, and the construction of such further reservoirs, conduits and other structures, as may be necessary for that purpose, heretofore submitted by the said board to the common council of the city of Brooklyn, and approved by a resolution of the board of aldermen of said city, on the eleventh day of July, eighteen hundred and seventy, provided the whole expense thereof shall not exceed the sum of one million four hundred thousand dollars, and which said resolution was finally adopted by the common council of said city by a two-third vote, on the twelfth day of December, eighteen hundred and seventy, and to that end the said permanent board of water and sewerage commissioners shall acquire, in the name of and for the city of Brooklyn, the title to such lands, ponds and streams, as may be necessary therefor; but before any purchase shall be made by said permanent board of water and sewerage commissioners they shall report the proposed terms and conditions thereof to the said common council, and obtain its approval of the same. Upon the acquisition of said lands, ponds and streams, under this act, the said permanent board of water and sewerage commissioners shall cause the necessary work to carry said plan into effect to be done, and shall employ proper persons to inspect the same.—*Laws of* 1870, *Chap.* 47.

Expenditures limited.

Board to acquire lands, streams, etc.

Common council to approve of purchases.

Board to perform work.

Laws made applicable hereto.

§ 119. (2) The provisions of the act, entitled "an act to incorporate the Nassau water company," passed April twelfth, eighteen hundred and fifty-five, of the act entitled "an act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, for the acquiring of lands, ponds and streams, for acertaining the compensation to owners or occupiers of land or water which may be taken or used, for the issuing of the bonds of said city, the proceeds of which said bonds shall be used for the payment of all the costs, charges and expenses authorized by this act, as also the costs, charges and expenses heretofore incurred by said permanent board of water and sewerage commissioners for preparing the plan aforesaid for the levying by tax on the taxable property of the city of Brooklyn, the amounts necessary to pay such bonds, and the interest thereon, as they shall become due, for the sale of such bonds and for the pledge of the property of said city for the payment of such bonds, are hereby adopted as a part of this act, so far as they can be made applicable to the purpose hereof.—*Ibid.*

Special water rents to be liens.

§ 120. (1) Rents imposed by the board of water commissioners of the city of Brooklyn, for extra water-closets, baths, and for each street-washer, shall be liens upon the property to which they may be appurtenant, to the same extent as the regular water rent or tax upon the real property.—*Laws of* 1870, *Chap.* 81.

Annual abstract of unpaid water rents to be made.

§ 121. (2) The permanent board of water commissioners shall, on or before the first day of August in each year, make a correct abstract from the annual register, in their office, of all arrears of water rents and default due up to the first day of May, in each year remaining unpaid, and which water rents shall have been due at least one year prior to the time of making up said amounts. They shall then proceed to sell the lands and premises upon which the same are imposed, by advertisement, in the same manner and with the like effect as the collector of taxes is authorized and required to sell lands in the said city for unpaid taxes. The lands so sold shall be subject to the same charges and interest on amount of sales until redemption as lands sold for unpaid taxes in said city are subjected to. Certificates of such sales and conveyances shall be executed by the president of said board of commissioners, and shall have the same effect as certificates and conveyances of lands for unpaid taxes, and shall be recorded and discharged of record in the office of said commissioners, and the said board shall have the same powers in relation to certificates, conveyances, and redemptions of the lands so to be sold for unpaid water rents, as the said collector has,

Sale of lands therefor.

Charges and interest.

Certificates of sale and conveyance, how and by whom executed.

Powers of water commissioners, as to sales, etc.

Redemptions.

or may have, in relation to certificates, conveyances, and redemptions of lands sold for unpaid taxes. And persons interested in said lands so to be sold for water rents, shall be entitled to redeem said lands from such sales on the same conditions as persons are, or shall be, entitled to redeem lands sold for unpaid taxes in said city, provided that the president of the said board of commissioners alone shall be required to sign any certificate, conveyance, discharge, or redemption—*Ibid.*

Water meters may be placed in certain buildings, etc.

§ 122. (3) The said board of commissioners is hereby authorized to cause water meters of approved pattern, and suitable for the purpose, to be designated by said board, to be placed in all stores, workshops, hotels, manufactories, public edifices, at wharves, ferry houses, stables, and in all the places in which water is furnished for business consumption by the said board, so that all the water so furnished therein or thereat may be measured and known by the said board, and for the purpose of ascertaining the ratable proportion which consumers of water should pay for the water therein or thereat received and used. Thereafter, as shall be determined by the said board, the said board shall make out all bills and charges for water furnished to each and every consumer as aforesaid, to whose consumption a meter as aforesaid is affixed, in ratable proportion to the water consumed, as ascertained by the meter on his or her premises or places occupied or used as aforesaid. The cost of said meters, the expense of their connections and setting, together with the water-rates and other lawful charges for the supply of Ridgewood water, shall be a lien upon the premises where such water is supplied, as now provided by law. Nothing herein contained shall be construed so as to remit or prevent the due collection of arrearages or charges for water consumption heretofore incurred, nor interfere with the proper liens therefor, nor of charges or rates, or liens hereafter to be incurred for water consumption, in any dwelling-house, building, or place which may not contain one of the meters aforesaid.—*Ibid.*

Bills for water, how made out.

Cost of meters and connections to be a lien on lands.

Proviso as to arrearages.

Issue and sale of bonds to pay cost of meters, etc.

§ 123. (4) The mayor, comptroller, and clerk of the city of Brooklyn, are hereby authorized and directed to issue certificates of indebtedness, with interest thereon at the rate of seven per cent. per annum, and sell the same to raise money to supply any sum which may be required by said board for the cost of meters, expense of connections and setting as aforesaid, not to exceed the sum of fifty thousand dollars for any one year, and shall pay the money so raised to the board of water and sewerage commissioners, on their draft upon the comptroller therefor, and the moneys thereafter collected for cost of said meters, their connections

Application of moneys received in payment of bonds.

and setting, as hereinbefore provided, shall be applied to the payment of the certificates of indebtedness issued as aforesaid, together with the interest accrued thereon. —*Ibid.*

§ 124. (1) Section one of chapter six hundred and fifty-two, of the laws of eighteen hundred and seventy, is hereby amended, by inserting after the words "the term of the appointee expiring in the year eighteen hundred and seventy-three, shall expire on the first Monday in July, in the said year," as follows: "and the said commissioners, whose terms of office shall expire as herein above provided, shall severally continue in office until their successors are appointed, and shall have duly qualified."—*Laws of* 1871, *Chap.* 369.

Commissioners to hold until successors qualify.

§ 125. (2) Section sixteen of chapter ninety-seven of the laws of eighteen hundred and sixty-nine, is hereby amended by adding thereto as follows: "and to meet the expenses of such work, certificates of indebtedness of said city, bearing interest at seven per cent. per annum, shall, from time to time, as required by said board, be issued by the comptroller of said city, upon being furnished with a statement of such expenses, verified by the oath of the president of said board. If the expense of such work in any single case do not exceed the sum of five hundred dollars, there shall be included in the next general tax levy of the said city, and be levied and collected in the same manner as other taxes in said city are, a sum sufficient to pay the certificates of indebtedness, the interest thereon, issued to meet such expense; but if the expense of such work in any single case exceed the sum of five hundred dollars, then the said work shall be deemed a local improvement within the meaning of this act, and a sum sufficient to pay the certificates of indebtedness, and the interest thereon, issued to meet such expense, shall be assessed, levied and collected accordingly," and the moneys collected as aforesaid shall be applied to the payment of the certificates respectively issued as aforesaid.—*Ibid.*

Issue of certificates to pay certain street expenses.

Amounts, when and how assessed and collected.

OF THE

PROSPECT PARK COMMISSION.

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3. Declared to be public places—streets closed.
4. Commissioners of estimate and assessments to be appointed.
5. Powers and duties of same.
6. Awards and assessments for lands taken for park.
7. Compensation for lands taken for parade grounds.
8. Payment of damages.
9. Special reports of commissioners.
10. Reports of commissioners—manner of making, filing, and of confirmation.
11. Bonds to be issued for payment of lands.
12. Bonds, how to be disposed of.
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15. Surveyors, employment of.
16. Park commission established.
17. Members of commission.
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19. Commissioners not to be interested in any work.
20. Annual report of commissioners.
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23. Expenses limited.
24. Moneys from sale of bonds, how to be disposed of.
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26. Vacancies in office of commissioners.
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28. Ordinances for regulation and use of park.
29. Penalty for violation of ordinances.
30. Repealing clause.
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34. Commissioners of estimate and assessment.
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38. Reports of commissioners.
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40. Action in case of neglect of commissioners.
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42. Bonds, how to be disposed of.
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45. Compensation of commissioners and attorneys.
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49. Commissioners not to be interested in any work.
50. Commissioners—annual report.
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63. Lands taken and streets closed.
64. Friends' cemetery.
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66. Commissioners of estimate.

SEC. 67. Previous commissioners discharged and duties devolved on new commissioners.
68. Powers and duties of commissioners.
69. Fees and compensation.
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71. Payment of awards.
72. Issue of bonds.
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75. District of assessment.
76. Assessment of expenses and damages, etc.
77. Brooklyn park commissioners, term of office, etc.
78. Annual report.
79. Limitation of issue of bonds.
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81. Annual tax for park.
82. Grants and bequests for benefit of park.
83. Act to take effect.
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85. Closing of streets.
86. Commissioners of estimate and assessment to be appointed.
87. Powers and duties of said commissioners.
88. Discharge of previous commissioners of estimate and assessment.
89. Powers and duties of new commissioners.
90. Bonds to be issued.
91. Titles to lands and control of same.
92. Issue, sale and redemption of bonds.
93. Act to take effect.
94. Sackett, Douglass and President streets, opening and widening of, etc.
95. Degraw and Union streets narrowed.
96. Buildings, style of to be erected—others prohibited.
97. Commissioners of estimate of expenses and damages to be appointed.
98. District of assessment.
99. Report of commissioners.
100. Powers and duties of commissioners.
101. Pay of commissioners.
102. Sackett, Douglass and Degraw streets, how to be laid out.
103. Assessment for same, how levied and collected.
104. Sackett street, use of.
105. Act to take effect.
106. Sale of East-side lands authorized.
107. Terms of sale.
108. Proceeds of sales, how disposed of.
109. Lands may be improved prior to sale.
110. Act to take effect.
111. Plaza street, to be laid out.
112. Buildings, style of regulated.
113. District of assessment—apportionment of do.
114. Assessments to be levied and collected.
115. Powers and duties of commissioners.
116. Act to take effect.
117. Washington avenue, improvement and extension.
118. District of assessment—commissioners of estimate to be appointed.
119. Report of commissioners.
120. Powers and duties of commissioners, etc.
121. Avenue to be improved.
122. Assessments to constitute liens.
123. Collector of do., for town of Flatbush.
124. Duties of said collector.
125. Sales by collector may be redeemed.
126. Act to take effect.

Lands to be taken for park.

SECTION 1. All the following tracts, pieces or parcels of land in this act described, having been selected and located for a public park and for a parade ground for the city of Brooklyn, by the commissioners appointed for that purpose, by the act entitled "an act to authorize the selection and location of certain grounds for public parks and also for a parade ground for the city of Brooklyn," passed April eighteenth, eighteen hundred and fifty-nine; the said tracts, pieces and parcels of land, are hereby declared to be public

places, that is to say: All that piece or parcel of land, situate, lying and being in the city of Brooklyn, and town of Flatbush, and bounded and described as follows:—Commencing at the intersection of Warren street and Washington avenue; running thence southerly along Washington avenue to the city line at Montgomery street; thence southwesterly in a straight line to a point one thousand feet easterly in a straight line drawn from the intersection of Ninth street with the city line; thence to the intersection of the city line and Ninth street; thence northwesterly along Ninth street to Tenth avenue; thence northerly along Tenth avenue to the northerly side of Third street: thence northwesterly along Third street to Ninth avenue; thence northerly along Ninth avenue to Flatbush avenue; thence along Flatbush avenue to Vanderbilt avenue; thence along Vanderbilt avenue to Warren street: thence easterly along Warren street to Washington avenue, at the place of beginning, is hereby declared to be a public place to be known as Prospect Park, and which shall be a charge upon said city as hereinafter provided. Boundaries.

§ 2. All that piece of land situate, lying and being in the town of New Lots, to be taken from the southerly part of the lands belonging to the heirs of White Howard, deceased, containing about twenty-five acres, is hereby declared to be a public place, to be known as the parade ground, and which shall be a charge upon the county of Kings, as hereinafter provided, and shall be under the management and control of the supervisors thereof. Parade ground.

§ 3. The aforesaid pieces of land shall, from and after the passage of this act, be public places, and the lands in the first section of this act mentioned shall be deemed to have been taken by said city of Brooklyn, for public use, as and for a public park, and to have been declared open as a public place, with the same effect as if the whole of the same had been within the city of Brooklyn, and as if they had been taken and declared open under and in pursuance of the provisions of an act, entitled "an act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, eighteen hundred and fifty, and the acts amendatory thereof, except as herein otherwise provided, and with the same effect as if the same had been originally laid down upon the commissioners' map of the city of Brooklyn, and from and after the passage of this act, they shall be and form a part of said city of Brooklyn, and of said commissioners' map; and the parts of all streets, avenues and highways (except Flatbush avenue and Third street) laid out as running through said pieces of land, are hereby closed and discontinued and stricken from the said Declared to be public places. Streets closed.

commissioners' map, so far as the same would run through or intersect said pieces of land, and the land in the second section of this act mentioned shall be deemed to have been taken by the county of Kings, as and for a parade ground.

Commissioners of estimate and assessments to be appointed.

§ 4. Three discreet and competent persons, being citizens of the state of New York, shall be appointed to act as commissioners of estimate and assessment, in relation to the taking and the value of the land mentioned in the first section of this act; and three other persons shall also be appointed commissioners of estimate in relation to the taking and the value of the lands mentioned in the second section of this act. All of said commissioners shall be appointed in the manner provided by an act, entitled "an act to provide for the opening of Washington Park, on Fort Green, in the city of Brooklyn," passed April twenty-seventh, eighteen hundred and forty-seven, except that such commissioners shall be appointed by the supreme court of the second judicial district, at any special term thereof, and all other proceedings in any court contemplated by this act shall be had in said court; and in case of the death, resignation, disqualification or refusal to act, of either of said commissioners, it shall be lawful for the said court, at any general or special term thereof, on application, as in said act provided, and from time to time, as often as such event shall happen, to appoint any other discreet and disinterested person, being a citizen of the state of New York, in the place and stead of such commissioners so dying, resigning or refusing to act; and said commissioners shall proceed to discharge the duties of their appointment, and to complete their estimate and award, as soon as conveniently may be; and shall, if practicable, file their final report in the office of the clerk of the county of Kings within twelve months of the date of their appointment.

Powers and duties of same.

§ 5. It shall be competent and lawful for a majority of each of said board of commissioners designated as aforesaid, to perform the trust and duties of their appointments, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein, would have been; and in every case the proceedings and decisions of a majority in number of either of said boards of commissioners acting in the premises shall be as valid and effectual as if the said commissioners appointed for such purposes had all concurred and joined therein.

Awards and assessments for lands taken for park.

§ 6. The commissioners herein provided for, in relation to the taking and value of the lands mentioned in the first section of this act, shall make just and true estimate of the value of the lands mentioned in said first section, and of

the loss and damage to the respective owners, lessees, and parties and persons respectively entitled to or interested in the same, together with the tenements, hereditaments, and appurtenances, privileges or advantages to the same belonging or in any wise appertaining, by and in consequence of relinquishing the same to the said city of Brooklyn; and in making such estimate they shall not make any deduction or allowance for, or on account of any supposed benefits or advantages to be derived from taking said lands as public places, or in consequence thereof, and the amounts so estimated, when duly confirmed, shall be paid as hereinafter in this act provided. But after the cost of the said lands shall have been determined by the confirmation of the final report in relation thereto, it shall be the duty of said commissioners to apportion such part of said cost as they may deem equitable, and not exceeding twenty per cent. thereof, among the lands outside of said park, which they shall deem to be benefited thereby, and in proportion to such benefit; and said commissioners may extend such apportionment to such distance from said park as they may deem equitable and proper within the western fire district of said city of Brooklyn. And whenever their report in relation to such apportionment shall be completed, they shall file the same with the clerk of Kings county, and thereupon proceedings may be had to correct or confirm the same, as in this act provided. And after the confirmation of any final report of said commissioners making such apportionment, the one-twentieth part of the amount thus apportioned shall be assessed annually upon the lands in said city affected thereby, and shall be included annually in the taxes to be levied thereon, and shall be levied and collected like other taxes upon property in said city; and the proceeds thereof shall be paid over to the commissioners of the sinking fund of said city, to be by them applied to the redemption of the bonds of said city, to be issued by virtue of this act.

Compensation for lands taken for parade ground.

§ 7. The commissioners appointed in relation to the taking and value of the lands mentioned in the second section of this act, shall in like manner, make just and true estimate of the value of the lands in said second section mentioned, and of the loss and damage to the respective persons, owners thereof, or entitled to or interested in the same in any wise, in consequence of relinquishing the same to the county of Kings; and the value of the lands so taken and mentioned in the second section of this act, and the amount of compensation so estimated by the commissioners to the owners thereof, shall, when confirmed, as herein provided, be paid by said county of Kings to the parties thereto respectively entitled; and for the purpose of making such

payment the said county may issue and dispose of its bonds in such amount as may be necessary, in such form and manner as the supervisors thereof may direct.

Payment of damages.

§ 8. Payment of the damages awarded by the commissioners provided for in this act, in any report made in pursuance hereof, shall become due and payable, and shall be paid immediately upon the confirmation of any such report of said commissioners in the premises.

Special reports of commissioners.

§ 9. Said commissioners and any party being owner of or interested in any of the lands mentioned in this act may agree upon the value thereof and upon the amount of damages and compensation to be awarded therefor, and said commissioners may make special reports in relation to any matters so agreed upon; and any such special report may be filed, and proceedings may be had to confirm the same, and the same may be confirmed in the same manner and with like effect as is provided herein in relation to other reports of said commissioners; and upon the confirmation of any such special report, the amount of the awards thus confirmed shall be paid in the same manner as if such awards had been made in a general report of said commissioners, and duly confirmed.

Reports of commissioners.

§ 10. Before proceeding to discharge any of their duties, the commissioners shall respectively take and subscribe an oath in writing, before some officer, authorized by law to administer oaths, honestly and faithfully to discharge the duties which shall devolve upon them in pursuance of this act, which oath shall be filed in the office of the clerk of the county of Kings. Said commissioners shall proceed, as soon as may be after their appointment, to discharge the duties of their trust, and to make and complete their estimates, and awards and reports, as hereinbefore provided; and every estimate, award and report so made shall be signed by at least a majority of said commissioners, and filed in the office of the clerk of the county of Kings, and notice thereof given to the counsel of the corporation of said city of Brooklyn. Within twenty days after receiving such notice of the filing of any report of said commissioners, said corporation counsel shall give notice by publication for ten days in two daily papers of said city, that he will at the then next ensuing special term of the court aforesaid, and at the time and place to be specified in such notice, present such report for confirmation; and if said corporation counsel, shall not, within the time above prescribed, cause such report to be presented for confirmation, then such notice may be given, and said report may be presented for confirmation, as above prescribed, by any party whose

Manner of making, filing, and of confirmation.

lands are to be taken, and to whom compensation is estimated and awarded by such report; and thereupon all such proceedings as are provided for in the fifth section of an act entitled, "An act to provide for the opening of Washington Park, on Fort Greene, in the city of Brooklyn," passed April twenty-seventh, eighteen hundred and forty-seven, shall be had for the confirmation of said report, or for the revisal and correction thereof, until a report shall be made or returned in the premises, which the court shall confirm; and any such report, when so confirmed by the said court, shall be filed in the office of the clerk of the county of Kings, and shall be final and conclusive upon the said city of Brooklyn, and upon the owners of and persons interested in the lands and premises mentioned in said report, and also upon all other persons whomsoever; and upon the confirmation of any such report, and upon payment being made to the owners of the lands in such report mentioned, or upon their assent thereto by deed duly executed, the said lands shall vest forever in the said city of Brooklyn for the uses and purposes in this act mentioned: and whenever and as often as the title shall have been perfected in said city to the lands embraced in the park and public place provided for in the first section of this act, the common council of said city shall forthwith declare and establish said lands to which the title shall have been thus perfected, as a public park, or place, as herein provided (and may make any improvements thereon, as such park and public place, which they may deem proper). In case any party, officer or person who is by this act directed or authorized to apply for the appointment of commissioners, or for the confirmation of any report made by such commissioners, shall neglect to make any such application in the manner and within the times in this act limited, such application may be made by any resident of the city of Brooklyn, being an owner of real estate in the said city, and the court shall proceed thereon as if the same had been made by the person or officer hereinbefore authorized and directed to make the same.

Bonds to be issued for payment of lands.

§ 11. For the purpose of paying for the land mentioned in the first section of this act, and for the regulation and improvement of the same as in this act provided, the bonds of the city of Brooklyn, to such an amount as shall be necessary for that purpose, shall be issued by the mayor, comptroller and clerk of said city, from time to time, as the same shall be required for the purposes aforesaid; which bonds shall be issued in the manner, and shall be in the form of the bonds issued by said city under the provisions of an act, entitled "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh,

eighteen hundred and fifty-seven, except as herein otherwise provided; and said bonds shall be payable in not less than forty-five, nor more than sixty years from the date thereof, and shall bear interest at the rate of six per cent. per annum, payable half-yearly, on the first of January and July, in each year; and the said bonds and the proceeds of the sale thereof shall constitute the fund for paying the costs of the lands in the first seciton of this act mentioned, and for the improvement of the same. And as the said bonds are from time to time issued, the mayor, comptroller, and clerk shall each cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond by him executed, showing the number of each bond and the date and amount thereof, and the time when due, and such book shall be open for public inspection, and shall be delivered by them to their successors in office.

Bonds, how to be disposed of.

§ 12. The bonds of the city of Brooklyn, which shall be issued by virtue of this act, may be used by said city, or by the treasurer thereof, at their par value, in paying any amounts which said city shall have become liable to pay for compensation or damages awarded under this act; or the same may be sold at public or private sale, or by subscription, and on such terms as the common council of said city may think proper; and the proceeds of all such sales shall be paid over to the treasurer of said city, or said treasurer may, with the concurrence of the mayor and comptroller of said city, pledge any of said bonds for money borrowed temporarily, at a higher rate of interest, not exceeding seven per cent. per annum, if they shall deem it expedient and necessary so to do.

Bonds, how to be paid.

§ 13. The property of the city of Brooklyn, and the lands authorized to be taken by the first section of this act as a public park and place, are hereby pledged for the payment of its bonds to be issued by virtue hereof.

Bonds, tax to be levied for payment of principal and interest.

§ 14. In order to pay the interest upon the bonds hereby authorized to be issued by said city, there shall be added to the general tax, for the city of Brooklyn at large, in the year eighteen hundred and sixty-two, and yearly thereafter, and levied and collected therein, as hereinafter specified, such sum of money in each of said years shall be sufficient to pay the interest upon the bonds issued by virtue of this act; and from and after the year eighteen hundred and sixty-five, there shall be added to the general tax for the city of Brooklyn at large, and levied and collected, as aforesaid, in addition to any amount so required, to pay the interest upon said bonds, a sum equal to one-half of one per cent.

upon the total amount of bonds which shall have been issued in pursuance of this act; and from and after the year eighteen hundred and seventy-five, there shall be in like manner levied and collected, in each year, and in addition to the amount required to pay the interest aforesaid, a sum equal to one per cent. upon the total amount of bonds which have been issued in pursuance of this act; and from and after the year eighteen hundred and eighty-five, there shall be in like manner annually levied and collected, in addition to the interest aforesaid, a sum which, together with the amounts above required to be levied and collected, and the accumulations thereof, will, with its accumulations, be adequate to pay and discharge the bonds to be issued under this act, by the maturity thereof, which said several sums shall be, from time to time, and each year, paid over to the commissioners of the sinking fund of the city of Brooklyn, to be held and managed by them, and shall be applied to the payment of the interest upon said bonds as it shall become payable, and to the full and final redemption of said bonds, and for no other purpose. And it shall be the duty of the mayor and comptroller of the said city to estimate and ascertain the amounts required to be so added to the general tax, by virtue of this section, and to transmit a statement of the same in each year to the board of supervisors of the county of Kings, in time to have such amount included in the general tax of said city for that year; and it shall be the duty of said supervisors to cause such amount to be included in such general tax. And said supervisors shall also annually provide by tax for the payment of the principal and interest of the bonds to be issued by the said county of Kings, by virtue of this act. And in making the levy of taxes in this section prescribed, the said supervisors shall so apportion and levy the same, as that all sums of money which shall be levied for the purpose of paying principal and interest of the bonds which may have been issued on account of the purchase, improvements and ornamentation of the lands comprising the said Prospect Park, shall be levied and collected exclusively upon and from the taxable property within the first twelve wards of said city.

Surveyors, employment of.

§ 15. The commissioners appointed by virtue of section four of this act shall have authority to employ surveyors and to use any map on file or belonging to said city, and to cause maps to be made as may be necessary; and said commissioners may be allowed a compensation of three dollars per day for their time actually employed in discharging their duties as such commissioners; and all such compensation, and the necessary expenses of the commissioners in discharging their duties, shall be allowed on taxation by the

court aforesaid, and paid by said city of Brooklyn, and shall be added to and form a part of the cost of the said park.

Park commission established

§ 16. The said Prospect park shall be under the exclusive control and management of a board of commissioners, to consist of seven persons, who shall be named and styled "the commissioners of Prospect park;" a majority of said board of commissioners in office for the time being shall constitute a quorum for the transaction of business, and no action of said board shall be final or binding, unless it shall receive the approval of a majority of the said board, whose names shall be recorded in its minutes.

Members of commission.

§ 17. James S. T. Stranahan, Thomas H. Rodman, E. W. Fiske, R. H. Thompson, Thomas G. Talmage, Stephen Haynes and Cornelius J. Sprague, are hereby appointed, and shall constitute the first board of commissioners of Prospect park; they shall hold office as such commissioners for three years from the passage of this act. No member of said board shall receive any compensation for his services, except the president or treasurer, but each commissioner shall nevertheless be entitled to receive for his personal expenses, in visiting and superintending said park, a sum not exceeding three hundred dollars per annum. In case of a vacancy, the same may be filled by the remaining members of the board, for the residue of the term then vacant; and all vacancies occasioned by expiration of the terms of office shall be filled by the mayor, by and with the advice and consent of the common council of said city.

Powers and duties of same.

§ 18. The said board shall have full and exclusive power to govern, manage and direct the said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, except a police force, as may be necessary; to prescribe and define their respective duties and authority; to fix the amount of their compensation; and generally in regard to said park, they shall possess all the power and authority now by law conferred on or possessed by the common council of said city, in respect to the public squares and places in said city.

Commissioners not to be interested in any work.

§ 19. It shall be a misdemeanor for any commissioner to be directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever, connected with said park, and it shall be the duty of any commissioner or other person, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the mayor of the city of Brooklyn, who

shall present the facts of the case to any judge of the supreme court of the second judicial district. Such judge shall hear, in a summary manner, such commissioner in relation thereto, and any evidence he may offer, and if, after such hearing, he shall be satisfied of the truth thereof, and shall so certify to the mayor, he shall immediately remove the commissioner thus offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the state, which oath shall be filed in the office of the clerk of the city of Brooklyn.

Annual report of commissioners.

§ 20. Said board of commissioners for the government of said park shall, in the month of January of every year, make to the common council of said city a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

Leasing of buildings.

§ 21. Whenever the city of Brooklyn shall have become vested with the title to said park, as in this act provided, it shall be lawful for the commissioners of said park to let from year to year any buildings and the grounds attached thereto, belonging to said city, which may be within the limits of said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of said park.

Sale of buildings.

§ 22. Whenever the said city shall have become vested with the title to said park, as aforesaid, said commissioners may sell any buildings, improvements, and other materials being within the limits of said park, and belonging to said city, which, in their judgment, shall not be required for the purposes of the said park, or for public use, the proceeds of which shall be deposited to the credit of the commissioners, and devoted to the improvement of the park.

Expenses limited.

§ 23. No plan for the laying out, regulation and government of said Prospect Park shall be adopted or undertaken by the commissioners thereof, of which the entire expense, when funded, shall require for the payment of the annual interest thereon a greater sum than thirty thousand dollars per annum; and bonds shall be issued, sold and disposed of as directed in this act, for the purpose of providing such sums of money as shall be from time to time required by said board of commissioners having the government of said park, subject to the limitations in this section prescribed.

Moneys from sale of bonds, how to be disposed of.

§ 24. The money raised from the bonds in the preceding section mentioned shall be deposited, as fast as the same

shall be realized, to the credit of said board of commissioners, in such banks of the city of Brooklyn as shall be by said board designated; such banks shall allow such interest upon such deposits as may be agreed upon with said board, and shall open and keep an account therewith. All moneys received by said commissioners shall be immediately deposited with such banks to the credit of their account, and no moneys shall be drawn therefrom by said board of commissioners except upon a warrant signed by at least a majority of said board, and all receipts and vouchers shall be filed in the office of said board.

Commissioners, power of to create debt.

§ 25. None of the said commissioners, nor any person, whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability, for or on account of said board, or the moneys or property under his control, except with the express authority of said board, conferred at a meeting thereof duly convened and held.

Vacancies in office of commissioners.

§ 26. The office of either of said commissioners who shall not attend the meetings of the board for three successive months, without reason therefor satisfactoy to said board or without leave of absence from said board, may be by said board declared vacant.

Grants or bequests for benefit of park.

§ 27. Real or personal property may be granted, devised, bequeathed or conveyed to the said city of Brooklyn for the purposes of improvement or ornamentation of said park, or for the establishment or maintenance within the limits of said park, museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the mayor and common council of said city; and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of the commissioners of the park.

Ordinances for regulation and use of park.

§ 28. It shall be lawful for such board of commissioners, at any meeting thereof duly convened, to pass such ordinances as they may deem necessary for the regulation, use and government of the park under their charge not inconsistent with the ordinances and regulations of Brooklyn, or with the provisions of this act; such ordinances shall, immediately upon their passage, be published for ten days in the daily papers published in said city.

Penalty for violation of ordinances.

§ 29. All persons offending against such ordinances shall be deemed guilty of misdemeanor, and shall be punished,

on conviction before any court of competent jurisdiction in the county of Kings, by a fine not exceeding fifty dollars, and, in default of payment, by imprisonment not exceeding thirty days.

§ 30. All acts and parts of acts inconsistent herewith are hereby repealed. Repealing clause.

§ 31. This act shall take effect immediately. Act to take effect.

§ 32. (1) The act entitled "an act to lay out a public park and a parade ground for the city of Brooklyn, and to alter the commissioners' map of said city," passed April seventeenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 1. The following tract, piece or parcel of land, having been selected and located for a public park for the city of Brooklyn, by commissioners appointed for that purpose, by the act entitled "an act to authorize the selection and location of certain grounds for public parks, and also for a parade ground for the city of Brooklyn," passed April eighteenth, eighteen hundred and fifty-nine, is hereby declared to be a public place, that is to say: All that piece or parcel of land situate, lying or being in the city of Brooklyn and town of Flatbush, and bounded and described as follows: Commencing at the intersection of the Tenth avenue and Ninth street, and running thence southerly along the northeasterly side of Ninth street, and on a line in continuation thereof, into the town of Flatbush, to a point in said line which is one thousand feet distant from the city of Brooklyn; thence northeasterly on a line drawn parallel with Tenth avenue, until it intersects a line drawn southerly from and in continuation of the westerly side of Washington avenue; thence northerly along Washington avenue to its intersection with Warren street; thence westerly along Warren street to Vanderbilt avenue; thence southwesterly along Vanderbilt avenue to Flatbush avenue; thence southerly along Flatbush avenue to the easterly side or line of Ninth avenue; thence southerly along Ninth avenue to Third street; thence southeasterly along Third street to the easterly line or side of Tenth avenue, and thence southwesterly along Tenth avenue to its intersection with Ninth street at the place of beginning.—*Laws of* 1861, *Chap.* 340, *Sec.* 1. Extension of park.

§ 33. (2) The said piece of land shall, from and after the passage of this act, be deemed to have been taken by said city of Brooklyn, for public use, as and for a public park, and to have been declared open as a public place with the same effect as if the whole of the same had been within the Declared a public place.

city of Brooklyn, and as if it had been taken and declared open under and in pursuance of the provisions of an act entitled "an act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, eighteen hundred and fifty, and the acts amendatory thereof, except as herein otherwise provided, and with the same effect as if the same had been originally laid down upon the commissioners' map of the city of Brooklyn, and from and after the passage of this act, it shall be and form a part of said city of Brooklyn, and of said commissioners' map; and the parts of all streets, avenues and highways (except Flatbush avenue), laid out as running through said land, are hereby closed and discontinued, and stricken from the said commissioners' map, so far as the same would run through or intersect said land.—*Ibid.*

Commissioners of estimate and assessment.

§ 34. (3) Five discreet and competent persons, being citizens of the state of New York, shall be appointed to act as commissioners of estimate and assessment, in relation to the taking and the value of said land. Said commissioners shall be appointed in the manner provided by an act entitled "an act to provide for the opening of Washington Park, on Fort Green, in the city of Brooklyn," passed April twenty-seven, eighteen hundred and forty-seven, except that they shall be appointed by the supreme court of the second judicial district, at any special term thereof, and all other proceedings in any court contemplated by this act shall be had in said court; and in case of the death, resignation, disqualification or refusal to act, of either of said commissioners, it shall be lawful for the said court at any general or special term thereof, on application, as in said act provided, and from time to time, as often as such event shall happen, to appoint any other discreet and disinterested person, being a citizen of the state of New York, in the place and stead of such commissioners so dying, resigning or refusing to act. And said commissioners shall proceed to discharge the duties of their appointment, and to complete their estimate and award, as soon as conveniently may be; and shall, if practicable, file their final report in the office of the clerk of the county of Kings, within twelve months after the date of their appointment.—*Ibid.*

Majority of commissioners may act.

§ 35. (4) It shall be competent and lawful for a majority of said commissioners to perform the trusts and duties of their appointments, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed if they had acted therein, would have been; and in every case the proceedings and decisions of a majority in number of said commissioners acting in the premises shall be as valid and effectual as if the said commissioners appointed for such purpose had all concurred and joined therein.—*Ibid.*

§ 36. (5) The said commissioners shall make just and true estimate of the value of the lands mentioned in the first section of this act, and of the loss and damage to the respective owners, lessees, parties and persons respectively entitled unto, or interested in the same, together with the tenements, hereditaments, and appurtenances, privileges or advantages to the same belonging, or in any wise appertaining, by and in consequence of relinquishing the same to the said city of Brooklyn. And in making such estimate they shall not make any deduction or allowance for or on account of any supposed benefits or advantages to be derived from taking said lands as public places, or in consequence thereof, and the amounts so estimated, when duly confirmed, shall be paid as hereinafter in this act provided. But after the cost of the said lands shall have been determined by the confirmation of the final report in relation thereto, it shall be the duty of said commissioners to apportion such part of said cost as they may deem equitable, upon any lands outside of said park, which they shall deem to be specially benefited thereby, in proportion to such benefit. And whenever their report in relation to such apportionment shall be completed, they shall file the same with the clerk of Kings county, and thereupon proceedings may be had to correct and confirm the same, as in this act provided. And after the confirmation of any final report of said commissioners making such apportionment, said assessment shall be a lien upon said lands. The one-twentieth part of the amount thus apportioned shall, with interest, be chargeable annually upon the lands so assessed for benefit, and shall be included annually in the taxes to be levied thereon, and shall be levied and collected like other taxes upon property; and the proceeds thereof shall be paid over to the commissioners of the sinking fund of said city, to be by them applied to the redemption of the bonds of said city, to be issued by virtue of this act. But any person interested in the land so assessed may at any time pay the whole amount due thereon, with interest, to the said commissioners of the sinking fund, to be by them applied in the manner hereinbefore mentioned; and from and after such payment, the lien hereinbefore created shall cease. —*Ibid.* Awards and assessments for lands taken.

§ 37. (6) Payment of the damages awarded by said commissioners, in any report made in pursuance hereof, shall become due and payable, and shall be paid immediately upon the confirmation of said report.—*Ibid.* Payment of damages.

§ 38. (7) Before proceeding to discharge any of their duties, the commissioners shall respectively take and subscribe an oath, in writing, before some officer authorized by law Reports of commissioners.

to administer oaths, honestly and faithfully to discharge the duties which shall devolve upon them in pursuance of this act, which oath shall be filed in the office of the clerk of the county of Kings. Said commissioners shall proceed, as soon as may be after their appointment, to discharge the duties of their trust, and to make and complete their estimates, and awards and reports as hereinafter provided; and every estimate, award and report so made, shall be signed by at least a majority of said commissioners, and filed in the office of the clerk of the county of Kings, and notice thereof given to the counsel of the corporation of said city of Brooklyn. Within twenty days after receiving such notice of the filing of such report, the corporation counsel shall give notice, by publication for ten days in two daily papers of said city, that he will at the next ensuing special term of the court aforesaid, and at the time and place to be specified in such notice, present such report for confirmation; and if said corporation counsel shall not within the time above prescribed cause such report to be presented for confirmation, then such notice may be given and said report may be presented for confirmation, as hereinafter prescribed.—*Ibid.*

Reports to be filed.

§ 39. (8) All such proceedings as are provided for in the fifth section of an act entitled "an act to provide for the opening of Washington Park, on Fort Greene, in the city of Brooklyn," passed April twenty-seventh, eighteen hundred and forty-seven, shall be had for the confirmation of said report, and for the revision and correction thereof, until a report shall be made or returned in the premises, which the court shall confirm. And every such report, when confirmed by the said court, shall be filed in the office of the clerk of the county of Kings, and shall be final and conclusive upon the city of Brooklyn, and upon the owners of and persons interested in the lands and premises mentioned in said report, and upon all other persons whomsoever. Upon the confirmation of any such report, the title to the lands and premises therein described shall vest forever in the said city of Brooklyn.—*Ibid.*

Action in case of neglect of commissioners.

§ 40. (9) In case any party, officer or person who is by this act directed or authorized to apply for the appointment of commissioners, or for the confirmation of any report made by such commissioners, shall neglect to make any such application in the manner and within the times in this act limited, such application may be made by any resident of the city of Brooklyn, being an owner of real estate in the said city, and the court shall proceed thereon as if the same had been made by the person or officer hereinbefore authorized or directed to make the same.—*Ibid.*

Bonds to be issued.

§ 41. (10) For the purpose of paying for the land mentioned in the first section of this act (and for the services of the said commissioner and expenses of the attorney and counsel, surveyors, appraiser and clerk of said commissioners, appointed by virtue of section 3 of this act, and of stationery, and room hire (*as amended by Chap.* 409, *Laws of* 1864), and for the regulation and improvement of the same as in this act provided, as well as for the payment of such interest as may accrue upon any bonds to be issued by virtue of this act, prior to the collection of said interest on the annual tax of said city, in the year eighteen hundred and sixty-four, the bonds of the city of Brooklyn, to such an amount as shall be necessary for that purpose, shall be issued by the mayor, comptroller and clerk of said city from time to time as the same shall be required for the purposes aforesaid; which bonds shall be issued in the manner, and shall be in the form of the bonds issued by said city under the provisions of an act entitled, "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, except as herein otherwise provided; and said bonds shall be payable in not less than forty-five nor more than sixty years from the date thereof, and shall bear interest at the rate of six per cent. per annum, payable half yearly, on the first day of January and July in each year, and the said bonds, and the proceeds of the sale thereof, shall constitute the fund for paying the cost of the lands in the first section of this act mentioned, and for the improvement of the same, and as the said bonds are from time to time issued, the mayor, comptroller and clerk shall each cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond by him executed, showing the number of each bond, and the date and amount thereof, and the time when due, and such book shall be open for public inspection, and shall be delivered by them to their successors in office.—*Ibid.*

Bonds, how to be disposed of.

§ 42. (11) The bonds of the city of Brooklyn which shall be issued by virtue of this act may be used by said city, or by the treasurer thereof, at their par value, in paying any amounts which said city shall become liable to pay for compensation or damages awarded under this act; or the same may be sold at public or private sale, or by subscription, and on such terms as the common council of said city may think proper; and the proceeds of all such sales shall be paid over to the treasurer of said city, or such treasurer may, with the concurrence of the mayor and comptroller of said city, pledge any of said bonds for money borrowed temporarily at a higher rate of interest, not exceeding seven per cent. per annum, if they shall deem it expedient and necessary so to do.—*Ibid.*

Bonds, how to be paid.

§ 43. (12) The property of the city of Brooklyn, and the lands authorized to be taken by the first section of this act as a public park and place, are hereby pledged for the payment of its bonds to be issued by virtue hereof.—*Ibid.*

Bonds, tax to be levied for payment of principal and interest.

§ 44. (13) In order to pay the interest upon the bonds hereby authorized to be issued by said city, there shall be added to the general tax for the city of Brooklyn at large, in the year eighteen hundred and sixty-four, and yearly thereafter, and levied and collected therein as hereinafter specified, such sum of money in each of said years as shall be sufficient to pay the interest upon the bonds issued by virtue of this act; and from and after the year eighteen hundred and eighty-five there shall be added to the general tax for the city of Brooklyn at large, and levied and collected as aforesaid, in addition to any amount so required to pay the interest upon said bonds, a sum equal to one half of one per cent. upon the total amount of bonds which shall have been issued in pursuance of this act; and from and after the year eighteen hundred and ninety, there shall be in like manner levied and collected in each year, and in addition to the amount required to pay the amount aforesaid, a sum equal to one per cent. upon the total amount of bonds which shall have been issued in pursuance of this act; and from and after the year eighteen hundred and ninety-five, there shall be in like manner annually levied and collected, in addition to the interest aforesaid, a sum which, together with the amounts above required, to be levied and collected, and the accumulations thereof, will, with its accumulations, be adequate to pay and discharge the bonds to be issued under this act by the maturity thereof; which said several sums shall be from time to time, and in each year, paid over to the commissioners of the sinking fund of the city of Brooklyn, to be held and managed by them, and shall be applied to the payment of the interest upon said bonds as it shall become payable, and to the full and final redemption of said bonds, and for no other purpose. And it shall be the duty of the mayor and comptroller of the said city to estimate and ascertain the amounts required to be so added to the general tax by virtue of this section, and to transmit a statement of the same in each year to the board of supervisors in the county of Kings in time to have such amount included in the general tax of said city for that year; and it shall be the duty of said supervisors to cause such amount to be included in such general tax. And in making the levy of taxes in this section prescribed, the said supervisors shall so apportion and levy the same as that all sums of money which shall be levied for the purpose of paying principal and interest of the bonds which may have been issued on account of the purchase, improvement and

ornamentation of the lands comprising the said Prospect Park, shall be levied and collected exclusively upon and from the taxable property within that portion of said city now composing the first twelve wards thereof.—*Ibid.*

Compensation of commissioners and attorneys.

§ 45. (14) The commissioners appointed by virtue of section three of this act shall have authority to employ an attorney and surveyors, and to use any map on file or belonging to said city, and to cause such maps to be made as may be necessary; and said commissioners shall be allowed a compensation of five dollars per day for their time actually employed in discharging their duties as such commissioners. Before any award or compensation shall be paid for land taken for the Park, the attorney and counsel for the city of Brooklyn shall certify that the title thereof is free from encumbrances, and that the city will acquire a perfect title thereto. He shall be allowed such reasonable compensation as shall be proper, to be taxed by the county judge of Kings county, or one of the justices of the supreme court for the second judicial district, and the same, together with the compensation of said commissioners, shall form a part of the general expense.—*Ibid.*

Commissioners of prospect park.

§ 46. (15) The said park shall be under the exclusive control and management of a board of commissioners, to consist of not less than seven nor more than twelve persons, who shall be named and styled "the commissioners of Prospect Park." A majority of said board of commissioners in office for the time being shall constitute a quorum for the transaction of business.—(*As amended by Chap.* 409, *Laws of* 1865.—*Ibid.*

Members of commission.

§ 47. (16) James S. T. Stranahan, Thomas McElrath, Edwards W. Fiske, R. H. Thompson, Thomas G. Talmage, Stephen Haynes, Cornelius J. Sprague, Joseph A. Perry, Abraham B. Baylis, Walter S. Griffith, Seymour L. Husted, Teunis J. Bergen and Conklin Brush (*as amended by Chap.* 409, *Laws of* 1864), are hereby appointed, and shall constitute the first board of commissioners of Prospect Park; they shall hold office as such commissioners for five years from the passage of this act, and until their successors shall be appointed and duly qualified. No member of said board shall receive any compensation for his services. In case of a vacancy, the same may be filled by the remaining members of the board for the residue of the term then vacant; and all vacancies occasioned by expiration of the terms of office shall be filled by the mayor, by and with the advice and consent of at least two-thirds of the common council of said city.—*Ibid.*

Vacancies therein.

Park to be under sole control of commissioners.

§ 48. (17) The said board shall have the full and exclusive power to govern, manage and direct the said Park, and the public use thereof; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, and such police force as may be necessary; to prescribe and define their respective duties and authority; to fix the amount of their compensation; and generally, in regard to said Park, they shall possess all the power and authority now by law conferred on or possessed by the common council of said city in respect to the public squares and places in said city. They shall also in the name of the city or in the name of the board, at their option, bring any action they may deem proper to recover damages for the breach of any agreement relating to the managment or improvement of said Park, for penalties for the violation of any ordinance, for injuries to personal or real property appertaining to said Park, and also to recover possession of any such property.—(*As amended by Chap.* 599, *Laws of* 1865.)—*Ibid.*

Commissioners not to be interested in any work.

§ 49. (18) It shall be a misdemeanor for any commissioner to be directly or indirectly in any way pecuniarily interested in any contract or work of any kind whatever connected with said Park, and it shall be the duty of any commissioner or other person who may have any knowledge or information of the violation of this provision forthwith to report the same to the mayor of the city of Brooklyn, who shall present the facts of the case to any judge of the supreme court of the second judicial district, such judge shall hear in a summary manner such commissioner or other person in relation thereto, and any evidence he may offer; and if after such hearing he shall be satisfied of the truth thereof and shall so certify to the mayor, he shall immediately remove the commissioner thus offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the state, which oath shall be filed in the office of the clerk of the city of Brooklyn.—*Ibid.*

Commissioners annual report.

§ 50. (19) Said board of commissioners shall, in the month of January of every year, make to the common council of said city a full report of their proceedings and a detailed statement of their receipts and expenditures.—*Ibid.*

Leasing of buildings.

§ 51. (20) Whenever the city of Brooklyn shall have become vested with the title to said park, as in this act provided, it shall be lawful for the commissioners of said Park to let, from year to year, any buildings, and the grounds

attached thereto, belonging to said city, which may be within the limits of said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of said park.—*Ibid.*

Sale of buildings.

§ 52. (21) Whenever the said city shall have become vested with the title to said park as aforesaid, commissioners may sell any buildings, improvements and other materials, being within the limits of said park, and belonging to said city, which in their judgment shall not be required for the purposes of the said park, or for public use, the proceeds of which shall be deposited with the city treasurer, to the credit of the commissioners, and devoted to the improvement of the park.—*Ibid.*

Expenses limited.

§ 53. (22) No plan for the laying out, regulation and government of said Prospect Park shall be adopted or undertaken by the commissioners thereof, of which the entire expense shall exceed the sum of five hundred thousand dollars, nor shall they expend more than ten thousand dollars during either of the years eighteen hundred and sixty-one or eighteen hundred and sixty two. But the common council of the city of Brooklyn may, on the application of said commissioners, authorize said expenditures to be increased to twenty thousand dollars in either or both of said years, by a vote of not less than two-thirds of the members elected to said common council. Bonds shall be issued, sold and disposed of as directed in this act, for the purpose of providing such sums of money as shall be from time to time required by said board of commissioners having the government of said park, subject to the limitation in this section prescribed.—*Ibid.*

Moneys from sale of bonds, how disposed of.

§ 54. (23) The money to be raised from the bonds referred to in the preceding section shall be deposited as fast as the same shall be realized, with the treasurer of the city of Brooklyn, who shall keep a separate account of all moneys received by him for the improvement of the said park. He shall hold such moneys on account of and for the purposes of the said improvement, and shall pay them out as provided in this act, and not otherwise. The said board of commissioners shall draw their drafts upon the comptroller of the city, signed by their president and secretary, for all claims, charges, and expenses to be authorized or incurred by them in the performance of their duties under this act, specifying in such drafts the purpose for which they are drawn; and the treasurer shall pay the same out of the said improvement moneys, on the draft of the comptroller, countersigned by the mayor and city clerk.—(*As amended by Chap.* 599, *Laws of* 1865.—*Ibid.*

Commissioner's power to create debt.

§ 55. (24) None of the said commissioners, nor any person, whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of said board, or the moneys or property under his control, except with the express authority of said board, conferred at a meeting thereof duly convened and held.—*Ibid.*

Vacancies in office.

§ 56. (25) The office of either of said commissioners who shall not attend the meetings of the board for three successive months after having been duly notified of said meetings, without reason therefor satisfactory to said board, may be, by said board, declared vacant.—*Ibid.*

Grants or bequests for benefit of park.

§ 57. (26) Real and personal property may be granted, devised, bequeathed or conveyed to the said city of Brooklyn for the purpose of improvement or ornamentation of said park, or for the establishment or maintenance, with the limits of said park, of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the mayor and common council of said city. And all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits, and income thereof, shall be subject to the exclusive management, direction and control of these commissioners.—*Ibid.*

Ordinances.

§ 58. (27) All ordinances which the said board shall at any time pass for the regulation, use or management of the said park shall, immediately after their passage, be published for at least ten days in two daily newspapers printed in the city of Brooklyn. (*As amended by Chap.* 599, *Laws of* 1865.)—*Ibid.*

Penalty for violations of.

§ 59. (28) All persons offending against such ordinances shall be deemed guilty of a misdemeanor, and shall be punished on conviction before any court of competent jurisdiction in the county of Kings, by a fine not exceeding fifty dollars; and in default of payment by imprisonment not exceeding thirty days.—*Ibid.*

Repealing clause.

§ 60. (29) All acts and parts of acts inconsistent with this amended act are hereby repealed.

Act to take effect.

§ 61. (30) This act shall take effect immediately.

Boundaries of park extended.

§ 62. (1) The board of commissioners of Prospect Park, in the city of Brooklyn, are hereby authorized, for and in behalf of the said city, to acquire title to all those certain pieces or parcel of land, situated partly in the said city and

partly in the town of Flatbush, beginning at the easterly corner of the Tenth avenue and Ninth street, and running thence southwesterly along Tenth avenue to Fifteenth street; thence southeasterly along the northeasterly side or line of Fifteenth street, to a point distant one hundred and sixty-one feet and ten inches northwesterly from the intersection of the said line with a line made by extending the easterly side of the Coney Island road as now laid out between Franklin avenue, in the town of Flatbush so called, and Braxton street, northward; thence southerly upon a curved line of three hundred and ninety feet radius to a point on said curve at which it coincides with and becomes tangent to the said easterly line of the Coney Island road extended as aforesaid; thence southerly on said extended line to a point in the circumference of a circle of one hundred and ten feet radius, of which the centre rests upon the middle line of Sixteenth street at a point distant twenty-seven feet and six inches westerly from and at right angles to said extended line; thence westerly and following the circumference of said circle until it again intersects the said extended line; thence southerly upon said extended line and along the said easterly side of said Coney Island road to a point distant two hundred and seventy feet and three inches northerly from the present northeast corner of said road and Franklin avenue; thence westerly upon the circumference of a circle of two hundred and forty-five feet radius, having its centre at a point in said Coney Island road, which is distant twenty-seven feet and six inches westerly at right angles from the easterly side of said road, and following said circumference to its intersection with the northerly line of Franklin avenue; thence easterly along said avenue to the plank road in the village of Flatbush; thence northerly on the westerly line of said plank road twenty feet; thence westerly and parallel with Franklin avenue six hundred and fifty feet; thence northerly in a direct line to a point which is distant twenty feet westerly at right angles from the northwest corner of a workshop standing on the boundary line of the lands of Cornelia A. Willink, deceased, and Elizabeth Ludlow, and the lands of John Lott, deceased; thence again northerly in continuation of said direct line until it meets a line drawn westerly at right angles to Flatbush avenue from a point on the westerly side of said avenue, which is distant six hundred feet southerly from the intersection of said avenue with the southerly boundary of said park; thence easterly on said right-angled line to Flatbush avenue; thence northerly along said avenue to the southeasterly boundary of said park; thence southwesterly along the southeasterly line of said park to the southwesterly corner thereof; thence northwesterly along the southwesterly side of said park to the Tenth avenue, at the place

of beginning. Excepting and reserving out of the above described lands and premises all those certain pieces or parcels of land now occupied by the religious societies of Friends for a cemetery, bounded and described as follows: Beginning at a point in the central line of the Eleventh avenue, which is distant one hundred and twenty-five feet northeasterly from the intersection of said central line with the northeasterly side or line of Fourteenth street, running thence northeasterly along said central line of said avenue five hundred and six feet and eleven inches; thence southeasterly to a point on the northwesterly side of the Coney Island plank road, which is distant two feet and nine inches southwesterly from Eleventh street; thence southwesterly and parallel to Eleventh avenue to a point which is distant one hundred and twenty-five feet northeasterly from Fourteenth street, and thence northerly parallel to Fourteenth street to the place of beginning.—*Laws of* 1866, *Chap.* 853.

Lands taken and streets closed.

§ 63 (2) The lands described in the last preceding section of this act (omitting the reservation therein contained) are hereby declared to be a public place, and shall be deemed to have been taken by the said city of Brooklyn, and to have been opened for public use as an additional part of Prospect Park; and from and after the passage of this act the said lands shall be annexed to, and shall form a part of the said city, and of the commissioners' map of the said city, and shall be laid down upon said map as if the same had been taken and declared open as a park, pursuant to the provisions of the act entitled "an act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, one thousand eight hundred and fifty; and all streets, avenues, and highways intersecting the said lands, or any parts thereof, except Ninth avenue and Fifteenth street and the Coney Island road, are hereby closed and discontinued, and are stricken from the said commissioners' map, so far as they run through or intersect the said lands; and Fifteenth street is hereby extended at its present width southeasterly, parallel with the southwesterly boundary of the said park, through the hereinbefore described circle, having a radius of one hundred and ten feet, until the said street meets the Coney Island road, and shall be so laid down on the said map.—*Ibid.*

Friends' cemetery.

§ 64. (3) Whenever the right of the said board of commissioners to enter upon that portion of the property of the said society of Friends hereby authorized to be taken shall be perfected, the said commissioners shall provide and open a suitable and sufficiently commodious passageway, at least twenty feet wide, from Fifteenth street to said ceme-

tery, for the common use of all the societies of Friends occupying the same, so long as they shall continue to use it as a cemetery; and no assessment for benefit, hereinafter directed to be made, shall be levied or collected upon the residue of the property now used as a cemetery, so long as the said ground shall continue to be a cemetery or place of interment. The said board of commissioners may at any time agree with the said societies of Friends for the purchase of the said property, or any part thereof, and the valuation of the same, with the damages the said Friends may sustain by reason of their removal therefrom; and upon such contract being reported to the comptroller by the said board, with a proper certificate of their counsel as to title, the comptroller is hereby authorized to pay the same, and may issue such additional bonds as may be necessary to complete the purchase thereof, in the same way and subject to the same redemption as other bonds directed to be issued under this act. And whenever the said purchase shall be completed and the property conveyed to the city, any assessment that may have been laid thereon by commissioners of estimate and assessment under this act shall be canceled, and the said property shall become a portion of Prospect Park, and be under the exclusive control and management of the board of commissioners, in the same way and to the same extent as other portions of the said park now are or may at any time be.—*Ibid.*

Coney Island railroad.

§ 65. (4) The Coney Island and Brooklyn Railway Company is hereby directed to remove its railway tracks from Fifteenth street, and is authorized and directed to lay such tracks upon Sixteenth street, or upon Braxton street, or upon both said streets, at its option, and to continue said tracks through said streets to Ninth avenue; thence through said avenue to Fifteenth street; thence through Fifteenth street to Sixth avenue, and thence through said avenue to Ninth street, and also through Ninth street, and also through Ninth avenue from Ninth street to Braxton street, and to operate their road and run their cars over the same. Braxton street and Sixteenth street and Sixth avenue and Ninth avenue shall be opened and graded so far as may be necessary for the purpose of said railroad, whenever the said railroad company shall make application therefor to the proper authorities; and the grade of Braxton street is established as follows, that is to say: One hundred and fifty feet above high water mark at Ninth avenue; one hundred and thirty-two feet at Tenth avenue; one hundred and fifteen feet and six inches at Eleventh avenue; and ninety-eight feet at the city line, at its junction with the Coney Island road.—*Ibid.*

Commissioners of estimate.

§ 66. (5) The said board of commissioners may apply to the supreme court in the second judicial district for the appointment of five commissioners of estimate and assessment, relating to the lands and premises hereby authorized to be taken, and the court shall thereupon proceed as directed by an act passed May second, eighteen hundred and sixty-one, entitled "an act to amend an act entitled 'an act to lay out a public park and parade ground for the city of Brooklyn, and to alter the commissioners' map of the said city, passed April seventeenth, one thousand eight hundred and sixty.'" The commissioners so to be appointed shall estimate the value of the lands and premises required to be taken by this act, and the loss and damage to be sustained by the owners and other persons interested therein in consequence of their relinquishing the same to the city; and after their report thereon shall have been confirmed by the court, they shall apportion such part thereof, together with such part of the amount of the several awards, with the expenses heretofore reported to and confirmed by the said court of lands heretofore taken for said park, as they may deem equitable, upon any lands in said city specially benefited thereby in proportion to such benefit. The one-twentieth part of the amount thus apportioned for benefit shall be annually assessed upon the particular lands chargeable therewith, as designated in the report of the said commissioners, and shall be annually included in the taxes to be levied thereon, and shall be levied and collected like other taxes upon property in the said city. The proceeds of such collections shall be paid to the commissioners of the sinking fund of said city, to be applied to the redemption of all bonds issued and to be issued for the purchase and improvement of lands taken and to be taken for the said park.—*Ibid.*

Previous commissioners discharged and duties devolved on new commissioners.

§ 67. (6) The commissioners of estimate and assessment appointed under the act mentioned in the last preceding section of this act, as well as those appointed under an act entitled "an act to change the boundaries of Prospect Part, in the city of Brooklyn," passed April twenty-eighth, one thousand eight hundred and sixty-five, are hereby discharged from the performance of all further duties under those acts; and all services, acts, and duties which are thereby directed to be done and performed by the said commissioners, and which yet remain unperformed in relation to assessing damages, or otherwise, are hereby devolved upon and shall be performed by the commissioners who are to be appointed under this act. The expenses, fees and compensation which the said several commissioners and their employees may be entitled to receive in pursuance of the said several acts, and not yet received by them, shall be added

to and be paid as a part of the general expenses incurred and to be incurred for the opening of said park; and the comptroller of said city is hereby directed to pay the same out of the Prospect Park fund in his hands, as soon as the same can be properly taxed as hereinafter provided, and certified by the counsel of the board of park commissioners; and for this purpose and to this extent he is authorized to increase the issue of park bonds under the act last above-mentioned, if necessary.—*Ibid.*

Powers and duties of commissioners.

§ 68. (7) The commissioners of estimate and assessment who are to be appointed in pursuance of this act shall have all the powers and authority, and shall be entitled to the same compensation that is conferred upon or allowed to the commissioners referred to in the several acts last above mentioned, and act amendatory thereof. And the board of commissioners of Prospect Park may employ an attorney and surveyor for the purposes of this act, whose compensation shall be included in the general expenses to be incurred under this act; and the awards for lands to be taken pursuant to this act shall be payable upon the certificate of the counsel of said board.—*Ibid.*

Fees and compensation.

§ 69. (8) No expenses, fees or compensation shall be allowed under this act, unless the same shall have been duly taxed as herein provided, and for the purpose of such taxation the said commissioners shall return to the said court the several items thereof, and the amount incurred by them respectively, as well as by the said attorney and counsel. They shall at the same time give notice in two of the daily newspapers published in the city of Brooklyn, for ten days successively, of their intention to present the same to the said court for taxation at a special term thereof to be therein designated. And any taxpayer of the said city may appear upon such taxation and show cause why the said expenses, fees or compensation, or any portion thereof, shall not be allowed; and it shall be the duty of the court to examine the several items thereof, and to tax and adjust the same for such amount as in its judgment shall be just and reasonable.—*Ibid.*

Payment of damages.

Title to lands.

§ 70. (9) The payment of all damages to be awarded by the said commissioners of estimate and assessment, as well as the general expenses authorized to be paid by this act, shall become due and payable immediately after the confirmation of their report thereupon. And the title of the lands mentioned or referred to in their report upon valuation shall, immediately after the confirmation thereof by the said court, vest forever in fee simple absolute in the city of Brooklyn, and the said lands shall thenceforth form a

part of the Prospect Park, and be under the exclusive management and control of the said board of commissioners, in the same manner and to the same extent as the other portions of the said park now are or may at any time, be under the management or control of the said board.—*Ibid.*

Payment of awards.

§ 71. (10) For the payment of awards so to be made by the said commissioners, and for the payment of the said general expenses, fees and compensation, as well as for the payment of the expenses of managing and improving the said park, the bonds of the city shall from time to time be issued in the manner directed by the act referred to in the fifth section of this act; and such bonds, and also all other bonds which may hereafter be issued under the provisions of the two several acts mentioned or referred to in the fifth and sixth sections of this act, may bear an interest not exceeding seven per cent. per annum, payable semi-annually. And for the redemption of the said bonds, as well as for the redemption of the bonds issued and to be issued under the provisions of the said acts, with interest, all lands embraced within the boundaries of the said park, including those taken under this act, are hereby specifically pledged. —*Ibid.*

Issue of bonds.

§ 72. (11) All the provisions of the act referred to in the fifth section of this act, and of any act amendatory thereof relating to the issue, use and sale of bonds, and the redemption thereof, with the interest to accrue thereon, as well as in relation to the taking and paying for the lands and premises referred to in this act, and the duties, powers and authority of the said board of commissioners, as well as of the said commissioners of estimate and assessment, and their appointment and proceedings, including the confirmation of their reports by the supreme court, which are not incompatible with the provisions of this act, shall apply to all bonds and authority that may be taken or exercised under this act.—*Ibid.*

Act to take effect.

§ 73. (12) This act shall take effect immediately.—*Ibid.*

Power of commissioners further defined.

§ 74. (1) The commissioners of Prospect Park, in the city of Brooklyn, shall have full and exclusive power to lay out, regulate, improve and maintain the public parks of the city of Brooklyn, and to govern, manage and direct the same, and the public use thereof; to make ordinances, rules and regulations for their proper management and government; to appoint such engineers, surveyors, clerks and other officers, and such police force as they may deem expedient, and to prescribe and define their respective duties and authority; to fix and regulate the compensation to be

paid to the several persons so to be employed by them; to open, widen and grade the northern side of Ninth avenue, between Montgomery and Union streets, and so much of Fifteenth street as was extended to meet the Coney Island road, and laid down on the city map, by an act entitled "an act to extend the boundaries of Prospect Park, in the city of Brooklyn," passed April thirtieth, eighteen hundred and sixty-six; to locate, erect and maintain fountains on the said parks, or either of them, as well as upon the streets and avenues which form the boundaries thereof or intersect the same; to erect and maintain iron and other fences around the said parks; to flag and reflag the sidewalks of said streets, roads or avenues on the side which is adjacent to the said parks, to increase the width thereof, and to set and reset curb and gutter stones, shade trees and lamp-posts thereon; and to determine the particular location of any railroad track which is now or may be hereafter placed upon such road, street or avenue. They may also, in the name of the city, or of the said board of commissioners, at their option, bring any action which they may deem proper, to recover damages for the breach of any agreement, express or implied, relating to or growing out of the management or improvement of the said parks; for penalties for the violation of any ordinance; or for injuries to personal or real property appertaining to the said parks; or to recover the possession of any such property.—*Laws of* 1868, *Chap.* 493, *Sec.* 1.

Opening, etc., of Ninth avenue

[The land taken (and set apart for a parade ground for the county of Kings) shall be the property of said county, as and for a parade ground; and shall be under the exclusive charge and management of the commissioners of Prospect Park, in the city of Brooklyn, for the purposes of police and improvement as such parade ground.—*Laws of* 1866, *Sec.* 7, *Chap.* 852.

Parade ground.

[The several pieces and parcels of ground, parks and squares in the city of Brooklyn, and the sidewalks, fences and trees adjacent thereto and being between any part of the same, any public street or avenue hereinafter mentioned shall hereafter be under the care and management and control of the commissioners of Prospect Park, as fully and completely as Prospect Park is or may hereafter be under their control, care and management.—*Laws of* 1867, *Sec.* 1, *Chap.* 848.

All parks placed under charge of commissioners.

[The parks and squares aforesaid are Washington Park, City Park, City Hall Park and Carroll Park.—*Same act, Sec.* 2. Tompkins' Park was included by Act of May 2d, 1870.

Money to be raised by tax for expense.

[The joint board of aldermen and supervisors of the city of Brooklyn shall annually cause to be levied and raised the requisite amount of moneys for carrying this act into effect and for the purposes thereof; and such money shall be promptly and regularly paid over to the said park commissioners for said purposes.—*Laws of* 1867, *Chap.* 848, *Sec.* 5.

Impounding of stray animals.

[The Brooklyn park commissioners are hereby authorized to seize and impound any cattle, sheep, swine, goats, horses, geese or other animals found running at large upon any of the public parks in the city of Brooklyn; to impose a penalty of not exceeding five dollars, with reasonable expenses, upon each animal so seized; and to enforce payment thereof in such manner as they shall by ordinance direct.—*Laws of* 1868, *Chap.* 641, *Sec.* 1.]

District of assessment.

§ 75. (2) Whenever the board of commissioners shall by resolution direct the streets or avenues specified in the preceding section of this act to be opened or widened, they shall fix a district assessment beyond which the assessment for such opening or widening shall not extend. They shall then apply to the supreme court, at a special term thereof, to be held in the second judicial district, upon a notice to be published for ten days successively in the corporation newspapers, for the appointment of three commissioners to estimate the expense thereof, and the amount of damages to be sustained by the owners of property or other persons to be affected thereby, and to apportion and assess the same as hereinafter described, and the court shall thereupon proceed to make such appointment.—*Laws of* 1868, *Chap.* 493.

Assessment of expenses and damages, etc.

§ 76. (3) The commissioners so to be appointed shall, after having been duly sworn, proceed to estimate such expenses and damages; and after their report thereon shall have been confirmed by the said court, they shall apportion and assess the same, upon the lands and premises benefited by the said improvements within the district of assessment, to be fixed by the park commissioners, in the same manner as the board of assessors of the said city are by law directed to make similar assessments. And all laws now in force relative to the opening and widening of streets or avenues in the city of Brooklyn, subsequent to the appointment of commissioners of estimate, and the proceedings thereon, and the duties of the several persons to be employed therein, substituting the said park commissioners in place of the common council and street commissioner of said city, and substituting also the commissioners of estimate and assessment in place of the board of assessors of the said city, and

including the levy and collection of the assessments for such improvements and the lien thereof, so far as they are not inconsistent with the provisions of this act, shall apply to and regulate all duties arising out of, or proceedings that may be had or taken under this act. But such proceedings shall continue to be under the direction of the said park commissioners, who shall act when required as the common council and street commissioner of said city would be required to act in relation thereto, and who shall employ an attorney and counsel, and all such surveyors, clerk, appraisers, and other agents as may be required for the purpose of the said proceedings.—*Ibid.*

Brooklyn park commissioners, term of office, etc.

§ 77. (4) The commissioners of Prospect Park now in office shall continue to hold office for four years after the expiration of their present term of office, and until others are appointed in their places, and from and after the passage of this act, the mayor of Brooklyn shall be *ex-officio* a commissioner of Prospect Park. They shall together constitute a board of commissioners to be hereafter known as "The Brooklyn Park Commissioners," a majority of whom, for the time being, shall constitute a quorum for the transaction of business. If any of the said commissioners shall not reside in the city of Brooklyn, or shall neglect to attend the meetings of the board, for three monthly meetings, consecutively, after having been duly notified of the time and place of meeting, his office shall be deemed to have been vacated; and after the present number of commissioners shall, for any reason, have been reduced to eight, each succeeding vacancy shall be filled for the residue of the term then vacant by a majority of the ballots of the remaining members of the board; and upon such ballotings it shall be no objection to a candidate that he has once been a member of the board.—*Ibid.*

Annual report.

§ 78. (5) The said board shall, in the month of January of every year, make and render to the common council of said city a full report of their proceedings during the preceding year, with a detailed statement of their receipts and expenditures. And all ordinances or rules which they shall at any time adopt for the regulation, use and management of the said parks, shall immediately thereafter be published for at least ten days, in two daily newspapers printed in said city. No member of the said board shall receive any compensation for his services; and it shall be a misdemeanor punishable by fine and imprisonment, for any commissioner to be in any way, directly or indirectly, interested in any contract for services to be rendered, or materials to be furnished for or on account of the said parks, or either of them.—*Ibid.*

Limitation of issue of bonds.

§ 79. (6) For the purpose of providing the means of laying out, constructing and improving Prospect Park, the mayor, comptroller and city clerk of the said city are hereby authorized and required to create and issue, at such times and in such amounts as the said commissioners shall, by resolution, direct, the bonds of the said city, payable within fifty years from the date thereof, and bearing an interest not exceeding seven per cent. per annum, payable semi-annually. The bonds so to be issued shall not exceed three millions of dollars in amount, including the bonds already issued for such purposes; and shall be sold by or under the direction of the said comptroller, at not less than par, either at public or private sale; and the moneys to arise therefrom shall be called the Brooklyn Park Improvement Fund. All bonds heretofore issued for the improvement of Prospect Park shall constitute a portion of the same fund; and all the provisions of the act passed May second, eighteen hundred and sixty-one, entitled "an act to lay out a public park and parade ground for the city of Brooklyn, and to alter the commissioners' map of the city, passed April seventeenth, eighteen hundred and sixty-one," which relate to the redemption and payment of bonds issued and to be issued for the payment of awards and improvements, and the creation and management of a sinking fund applicable thereto, shall apply to and regulate all bonds that may be issued for the purposes of the said improvement fund; and for the payment of all such bonds, issued and to be issued, with the interest to accrue thereon, all lands within the boundaries of the said park are hereby specifically pledged.—*Ibid.*

Temporary loans.

§ 80. (7) In case the said commissioners shall at any time require money for immediate use before it can be realized by a sale of bonds, the said comptroller, on the request of the said commissioners, may pledge such bonds for a temporary loan of money thereon. All money to be realized from sales or pledges of bonds shall be immediately deposited with the treasurer of the said city, to the credit of the said improvement fund; and shall be held and used for the construction, improvement and maintenance of the said park, and the adornment thereof. The said board of commissioners, through their president and secretary, shall, from time to time, make drafts upon the said comptroller for such amounts as may be required for the prosecution of the park business, after the same shall have been authorized by the board; each of such drafts shall specify the object for which it is drawn, and the treasurer shall pay the same on the order of the comptroller, countersigned by the mayor and city clerk.—*Ibid.*

§ 81. (8) In order to provide for the maintenance and general improvement of said parks, there shall be added to the general tax to be levied in said city, in each and every year, such sum of money, not exceeding one hundred and twenty-five thousand dollars (*as amended by Laws of May*, 1872, *Chap.* 711, *Sec.* 1), in any one year, as the said board of commissioners shall, from time to time, by resolution, determine to be necessary for the proper maintenance, improvement and ornamentation of the said parks. The joint board of supervisors and common council of the city of Brooklyn shall annually cause the amount so determined by the said commissioners to be raised and levied in like manner as other taxes are raised and levied in said city, and the same shall be promptly paid over to the said park commissioners for the purposes aforesaid.—*Ibid.* Annual tax for park.

§ 82. (9) Real or personal property may be granted, conveyed, devised or bequeathed to the said city, for the improvement or ornamentation of the said parks, or either of them; or for the establishment or maintenance within their limits of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such terms and conditions as may be agreed upon by and between the grantors or donors thereof and the said board of commissioners. But all property so to be granted, conveyed, devised or bequeathed, and the rents, issues and profits thereof, must be subject to the management and control of the said board, and may be improved and added to in its discretion; and shall be protected, preserved and arranged by the said board for public use and enjoyment, under such rules and regulations as the said board shall from time to time prescribe. Admissions to said gardens or museums may either be free to the public, or upon the payment of such sums of money as the board may determine; and all income to be derived from such admissions shall be applied to the improvement and maintenance of such gardens and museums, or of the said parks. The board may also agree for the management and maintenance of any of the said gardens or other institutions with any society, incorporated or to be incorporated under any law of this state; but such gardens or other institutions shall always remain subject to the control of said park commissioners.—*Ibid.* Grants and bequests for benefit of park.

§ 83. (10) This act shall take effect immediately.—*Ibid.* Act to take effect.

§ 84. (1) The commissioners of Prospect Park, in the city of Brooklyn, are hereby authorized, for and in behalf of the said city, to acquire title to all those certain lots, pieces or parcels of land in said city, which taken together are described as follows: Beginning at the easterly corner Extension of park.

of Ninth avenue and Third street, and running thence southwesterly along Ninth avenue to a point between Fourteenth and Fifteenth street, which is upon the circumference of a circle of one hundred and fifty-four feet radius, of which the center is at the intersection of the middle line of Ninth avenue with the middle line of Fifteenth street; thence westerly and again easterly following said circumference for more than three-fourths of said circle, to its intersection with the northeasterly side of Fifteenth street; thence southeasterly along said northeasterly side of Fifteenth street to the easterly corner of Tenth avenue and Fifteenth street; thence northeasterly along Tenth avenue and also along said park to the northeasterly side of Third street; and thence northwesterly along said street to Ninth avenue at the place of beginning.—*Laws of* 1868, *Chap.* 314.

Closing of streets.

§ 85. (2) The lands described in the last preceding section of this act are hereby declared to be a public place, and shall be deemed to have been taken by the city of Brooklyn, and to have been opened for public use as an additional part of Prospect Park; and from and after the passage of this act the said lands shall be laid down on the commissioners' map of the said city, as if the same had been originally laid down upon said map, and had been taken and declared open as a park pursuant to the provisions of an act entitled "An act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, eighteen hundred and fifty. And all streets, avenues and highways intersecting the said lands or any part thereof, except Ninth avenue and Fifteenth street, are hereby closed and discontinued, and are stricken from the said city map so far as they run through or intersect the said lands.—*Ibid.*

Commissioners of estimate and assessment to be appointed.

§ 86. (3) The said commissioners may apply to the supreme court in the second judicial district at any special term thereof, upon a notice to be published ten days successively in two newspapers printed in the city of Brooklyn, for the appointment of five commissioners of estimate and assessment for the purposes of this act; and the court shall thereupon proceed to their appointment as directed by an act passed May second, eighteen hundred and sixty-one, entitled "An act to amend an act to lay out a public park and parade ground for the city of Brooklyn, and to alter the commissioners' map of said city," passed April seventeenth, eighteen hundred and sixty.—*Ibid.*

Powers and duties of said commissioners.

§ 87. (4) The commissioners so to be appointed shall estimate the value of the lands and premises taken by this act, and the loss and damage to be sustained by the owners

or other persons interested therein in consequence of their relinquishing the same to the city. And after their report thereon shall have been confirmed by the said court, they shall apportion and assess not exceeding fifty per cent. thereof, together with not exceeding fifty per cent. of the whole amount of the awards and expenses heretofore reported to and confirmed by the said court, for the lands heretofore taken and now constituting Prospect Park, upon any lands outside of the said park which they shall deem to be benefited by the opening of the said park, in proportion to such benefit. But the land so to be assessed shall include all lands on the east side of Flatbush avenue taken for the said park. And the several amounts awarded or to be awarded to the city upon the widening of streets and avenues adjacent to said park, for lands taken from said park before making such apportionment, together with the cost of the land so taken east of Flatbush avenue, shall be deducted from the whole amount of awards and expenses above referred to before making the said apportionment. No error, irregularity or want of power in regard to any portion of said apportionment and assessment shall invalidate the residue thereof. Of the amount thus to be apportioned only the one-twentieth part shall be annually assessed in each and every year, commencing with the year eighteen hundred and seventy-three, for twenty successive years, and be a lien from the time of such annual assessments upon the lands respectively charged therewith, together with interest from the time of the confirmation of the report on assessment, to be computed from year to year, upon the respective amounts remaining unpaid at the time of making such annual assessments; which interest shall be added to said assessment and form part thereof. And the said assessment and interest shall be annually included in the taxes to be levied upon the lands so to be assessed, and shall be levied and collected in the same manner as other taxes upon real estate annually for twenty successive years. The proceeds of such collections shall, immediately after their receipt, be paid over to the commissioners of the sinking fund in the city of Brooklyn, to be applied to the redemption of all city bonds issued or to be issued for the payment of the purchase and improvement of lands taken for said park. But any person interested in the said lands, or any of them, may at any time pay to the said commissioners of the sinking fund the amount so to be assessed thereon, with interest to the time of payment; and thereupon his said lands shall be discharged from the said assessment.—*As amended by Act of May 14th*, 1872, *Chap.* 715, *Sec.* 1.

§ 88. (5) The commissioners of estimate and assessment heretofore appointed in pursuance of an act entitled "An

Discharge of previous commissioners of

estimate and assessment.

act to extend the boundaries of Prospect Park in the city of Brooklyn," passed April thirtieth, eighteen hundred and sixty-six, are hereby discharged from the performance of all further duties under that act; and all services, acts and duties which are thereby directed to be done and performed by the said commissioners, and which remain unperformed by them in relation to assessments for benefit or otherwise, are hereby devolved upon, and shall be performed (reference being had to the principles of assessment indicated in the last preceding section of this act) by the commissioners who are to be appointed under this act. The expenses, fees and compensation which the said commissioners, and other persons employed under this act, may be entitled to receive thereupon shall be added to and paid as part of the general expenses incurred and to be incurred for the opening of the said park; and the comptroller and treasurer of the said city, are hereby directed to pay the same, after they shall have been adjusted and taxed, in the manner directed by the said last-mentioned act, and after the same shall have been duly certified by the counsel of the park commissioners. And for the purpose of making such payments, so many and such an amount of additional park bonds as may be necessary may be issued and sold by the said city authorities. —*Laws of* 1868, *Chap.* 314.

Powers and duties of new commissioners.

§ 89. (6) The commissioners of estimate and assessment who are to be appointed under this act shall, except so far as otherwise directed by this act, have the same powers, discharge the same duties, and be entitled to the same compensation that are conferred by, or imposed upon, or allowed to the commissioners referred to in the act specified in the last preceding section of this act. But the board of commissioners of Prospect Park shall employ an attorney, clerk, appraisers and surveyors for the purposes of this act, whose compensation shall be included in the general expenses to be incurred under this act. And the awards for lands taken under this act shall be payable upon the certificate of the counsel of the said board.—*Ibid.*

Bonds to be issued.

§ 90. (7) The payment of all damages to be awarded, as well as the general expenses to be incurred in pursuance of this act, shall become due and payable immediately after the confirmation of the said commissioners' reports thereon; but no expenses or compensation to persons who are to be employed under this act shall be allowed or paid, unless the same shall have been first duly taxed and certified as directed in the fifth section of this act. For the payment of the said awards and expenses, the bonds of the city, shall, from time to time, be issued and sold in the manner directed by the act entitled "An act to extend the boundaries of Pros-

pect Park, in the city of Brooklyn," passed April thirtieth, eighteen hundred and sixty-six. Such bonds shall bear a similar interest, and be paid in the same manner, and within a like period, as the bonds referred to in that act; and for the redemption thereof, the lands described in the first section of this act are hereby specifically pledged.—*Ibid.*

Titles to lands and control of same.

§ 91. (8) The title to the lands described in the first section of this act shall, immediately after the confirmation of the said commissioners' report upon valuation, vest forever, in fee simple, absolute, in the city of Brooklyn. And the said lands shall thenceforth form a part of Prospect Park, and be under the exclusive management and control of the board of commissioners of Prospect Park, in the same manner and to the same extent as the other portions of the said park now are, or may at any time be, under the management and control of the said board.—*Ibid.*

Issue, sale and redemption of bonds.

§ 92. (9) All the provisions of the several acts referred to in the third and fifth sections of this act, and of any act amendatory thereof, relating to the issue, use and sale of bonds, and the redemption and payment thereof, with the interest to accrue thereon, as well as in relation to the taking and paying for the lands and premises referred to in this act; and the duties, powers and authority of the board of commissioners of Prospect Park, as well as of the said commissioners of estimate and assessment, and their appointment and proceedings, including the confirmation of their reports by the supreme court, which are not incompatible with the provisions of this act, shall apply to and regulate all bonds that may be issued, and all acts, proceedings, powers and authority that may be had, taken or exercised under or by virtue of this act.—*Ibid.*

Act to take effect.

§ 93. (10) This act shall take effect immediately.—*Ibid.*

Sackett, Douglass and President streets, opening and widening of, etc.

§ 94. (1) Sackett street, in the city of Brooklyn, is hereby widened from Washington avenue easterly to the southerly limit or boundary line of the said city, to the width of two hundred and ten feet, and shall be opened to that width by adding seventy feet in width to each side of the said street, as now laid down on the commissioners' map of the said city. And President street and Douglass street are hereby also widened from New York avenue easterly to the said city line, to the width of one hundred feet; and shall be opened to that width by adding fifteen feet in width to each side of the said several streets, as now laid down on the said map.—*Laws of* 1868, *Chap.* 631.

Degraw and

§ 95. (2) So much of Degraw street as lies easterly from

Union streets narrowed.

New York avenue, and extends to the said city limits, is hereby narrowed to the width of thirty-five feet, by taking away thirty-five feet in width on the southerly side thereof; and so much of Union street as lies easterly from the said avenue, and extends to said city limits, is hereby also narrowed to the width of thirty-five feet by taking away thirty-five feet in width from the northerly side thereof; which said southerly side of Degraw street, and northerly side of Union street, are hereby abandoned for street purposes, and shall be stricken from the said city map.—*Ibid.*

Buildings, style of to be erected.

§ 96. (3) No buildings or other erections, except porches, piazzas, fences, fountains and statuary, shall remain or be at any time placed upon any of the lots, fronting upon either of the said streets so to be widened, within thirty feet from the line or sides of the said several streets respectively. The intervening spaces of land on each side of the said several streets shall be used for court yards only, and may be planted with trees and shrubbery, and otherwise ornamented, at the discretion of the respective owners of occupants thereof. And no building now standing, or that may be hereafter erected, on any lot fronting or to front, on either Union or Degraw streets so narrowed, shall ever be used for any purpose other than a stable, carriage house, conservatory for plants, or greenhouse; but no livery or railway stable, or car house, shall at any time be erected, or maintained, upon any of the said lots. And at no time shall there be hereafter erected, established or carried on, in any manner whatever, upon any land to be affected by the said widenings, or either of them, any slaughter house, tallow chandlery, furnace, foundry, nail or other factory, or any manufactory for making starch, glue, varnish, vitriol, oil, or gas, or for tanning, dressing, repairing or keeping skins, hides or leather, or any distillery, brewery, or sugar baking, lime-kiln, railway or other stable, or depot, or any other manufactory, trade, business or calling which may be in any wise dangerous, noxious or offensive to the neighboring inhabitants.—*Ibid.*

Others prohibited.

Commissioners of estimate of expenses and damages to be appointed.

§ 97. (4) The commissioners of Prospect Park are hereby directed to take proceedings, within sixty days after the passage of this act, to open, grade, and otherwise improve the said several streets, described in the first and second sections of this act. And for the purpose of determining the amount to be paid to the owners of the lands and tenements required to be taken for the purposes of the several changes and improvements contemplated by this act, the said park commissioners shall cause application to be made to the supreme court, in the second judicial district, at a special term thereof, upon a notice to be personally served

upon the counsel of the said city, and to be also published ten days, successively, in the corporation newspapers, for the appointment of three commissioners to estimate the expense of such widenings and openings, and the amount of damages to be sustained by the owners of the land, and all other persons to be affected thereby, and to apportion and assess the same, as hereinafter directed, and the court shall thereupon proceed to make such appointment.—*Ibid.*

District of assessment.

§ 98. (5) Before any assessment for such widening or opening is made, the commissioners of Prospect Park shall, by resolution, fix a district of assessment, beyond which the assessment therefor shall not extend.—*Ibid.*

Report of commissioners.

§ 99. (6) The commissioners so to be appointed by the court shall, after having been duly sworn, proceed to estimate such expenses and damages; and in making the estimate they shall include the damages, if any, to be sustained by any person or persons for being so obliged to build back from the line or sides of any of the said several streets, or for being restricted in the use of the lots fronting on said streets, as specified in the third section of this act; and after their report thereon shall have been confirmed by the said court, they shall apportion and assess the amount thereof in such manner as they shall deem just and equitable, upon the lands and premises in their judgment benefited by the improvement, within the district of assessment so to be limited by the said commissioners.—*Ibid.*

Powers and duties of commissioners.

§ 100. (7) All laws now in force relative to widening, opening and improving streets and avenues in the city of Brooklyn, subsequent to the appointment of commissioners of estimate, and the proceedings thereon, and the duties of the several persons to be employed therein, substituting the commissioners of Prospect Park in the place of the common council, and also in the place of the street commissioner of said city, and substituting the said commissioners of estimate and assessment in place of the board of assessors of said city, so far as relates to the opening of streets and avenues, including also payment for the work, and the levy and collection of the assessments for such improvements, and the lien thereof, so far as they are not inconsistent with the provisions of this act, shall apply to and regulate all proceedings that may be had or taken under this act. But such proceedings shall continue to be under the direction of the commissioners of Prospect Park, who shall stand in the place of, and act when required, as the common council of the city or the street commissioner thereof, would be required to act in the premises; and they shall employ an attorney and counsel, and all such clerks, sur-

veyors, and other agents as may be required for the purposes of this act.—*Ibid.*

Pay of commissioners.

§ 101. (8) The said commissioners of estimate and assessment shall be allowed to make use of any maps on file in any of the public offices of the said city, and shall each receive five dollars a day for every day actually spent in the discharge of his duty. Which expenses and compensation, together with the room hire, stationery, and other necessary expenses of the said commissioners, as well as the expenses and compensation of all other persons necessarily employed under the foregoing provisions of this act, shall be included in the general expenses to be incurred herein.—*Ibid.*

Sackett, Douglass and Degraw streets, how to be laid out.

§ 102. (9) Sackett, Douglass and Degraw streets shall be laid out according to a plan to be devised or adopted by the said park commissioners, and shall also be graded, paved, curbed and guttered in such manner as they shall direct; and may be re-named, and planted with suitable shade trees, or otherwise improved in their discretion. And the said commissioners may construct such roads and walks thereon and make use of such pavements and materials of construction therefor as they shall deem best.—*As amended by Laws of May*, 1872, *Chap.* 710, *Sec.* 1.

Assessment for same, how levied and collected.

§ 103. (10) All expenses incident to the improvements specified in the last preceding section of this act, after having been duly certified by the said park commissioners to the said commissioners of estimate and assessment, shall be by the said last mentioned commissioners apportioned and assessed, in such manner as they shall deem just and equitable, upon property to be, in their judgment, benefited thereby; but such assessment shall be laid within a district of assessment to be fixed by a resolution of the said park commissioners. Such assessments shall constitute liens upon the several parcels of property to be charged therewith, and shall be assessed, levied and collected, with interest, from the confirmation of the report of the said commissioners of assessment thereupon, in the same manner as other local assessments are levied and collected in said city; provided, however, and it is hereby directed, that one-tenth part of said assessments shall be levied and collected annually for ten successive years after the confirmation of the said report.—*As amended by Laws of May*, 1872, *Chap.* 710, *Sec.* 2.

Sackett street, use of.

§ 104. (11) After Sackett street shall have been opened, so much thereof as lies eastward of Prospect Park shall be under the exclusive control and management of the said park commissioners, and they shall make and enforce proper

rules and regulations for the public use thereof. And after it shall have been improved as hereinbefore directed, its subsequent maintenance shall be provided for in the same manner as the public parks now under the charge of the park commissioners are provided for. *Laws of* 1868, *Chap.* 314.

§ 105. (12) This act shall take effect immediately.—*Ibid.* Act to take effect.

§ 106. (1) The Brooklyn park commissioners are hereby authorized, for and in behalf of the city of Brooklyn, to contract and sell at public auction, at such times and on such terms and conditions as they shall deem expedient, all or any part of the land within said park which is bounded westerly by Flatbush avenue, northerly by Vanderbilt avenue, easterly by Warren street and Washington avenue, and southerly by the town of Flatbush; excepting and reserving therefrom such lands around the reservoir, and along the line of Flatbush avenue southeasterly from said reservoir, not less than two hundred and fifty feet in width, as shall, in the judgment of said commissioners, be considered desirable to be retained for public use.—*Laws of* 1870, *Chap.* 373. Sale of east side lands authorized.

§ 107. (2) For any lands which the said commissioners shall sell, they may receive in part payment the bonds of the purchaser, for such portion of the purchase money secured by mortgage on the land sold, as they may deem expedient. And whenever any such sales shall have been made, the mayor, comptroller and clerk of the city of Brooklyn shall, at the request of the said commissioners, affix the corporate seal to good and sufficient deeds of conveyance, with or without covenants of warranty, and such other covenants as the said commissioners shall, from time to time, require and prepare; and the said commissioners shall cause the said deeds to be delivered to the respective purchasers upon the receipt of the consideration stipulated to be paid therefor.—*Ibid.* Terms of sale.

§ 108. (3) All moneys that shall be received upon such sales, after deducting the expenses of sale and conveyancing, with the amount hereinafter authorized to be borrowed, with interest, shall be forthwith paid over by the said park commissioners to the commissioners of the sinking fund of the said city, to be by them held as part of the general fund, created and to be created, for the redemption, according to their legal priorities, of all bonds issued for the payment of lands taken for Prospect Park; and within four years after the passage of this act, the said commissioners shall hand over to the commissioners of the sinking fund all proceeds of sales, with all bonds, mortgages, and other papers and documents appertaining thereto.—*Ibid.* Proceeds of sales, how disposed of.

[§ 4. Repealed.]

Lands may be improved prior to sale.

§ 109. (5) Preparatory to the making of the said sales, the said park commissioners are authorized to regulate, drain and grade the lands proposed to be sold, and to lay out streets and avenues over or upon the same, of such width, and in such direction, and with such carriageways, sidewalks and areas as they may deem expedient. They may also grade, pave, curb and gutter any of the streets or avenues which they shall so lay out, and plant shade trees thereon in their discretion; but the expense of such measures shall not exceed, in the aggregate, the sum of one hundred thousand dollars. And after they shall have laid out the said streets and avenues, they shall cause a suitable map thereof to be made and filed in the office of the street commissioner of said city; and the commissioners' map of the said city shall thereupon be altered to correspond therewith. The park commissioners may borrow, from time to time, such sums of money, not exceeding one hundred thousand dollars in amount, as they may deem necessary to put the said land in proper condition for sale, and to regulate and improve the said streets as above specified, and shall repay the same, with interest, out of the proceeds of such sales. —*Ibid.*

Act to take effect.

§ 110. (6) This act shall take effect immediately.

Plaza street to be laid out.

§ 111. (1) The Brooklyn park commissioners are hereby authorized and directed to lay out a public street, eighty feet wide, within the Plaza of Prospect Park, in the city of Brooklyn, commencing at the westerly corner of Ninth avenue, at its junction with the said Plaza, and running thence northerly, easterly, and again southerly, around the circumference of the said Plaza, and terminating at the junction of the said Plaza with Flatbush avenue; and the street so described shall be laid down upon and form part of the commissioners' map of the city of Brooklyn.—*Laws of* 1870, *Chap.* 613.

Buildings, style of regulated.

§ 112. (2) No building shall at any time be erected upon any lot of land facing on the said plaza street, unless it be constructed with brick, stone, or iron, at least forty feet high from sidewalk to cornice, with metallic or slate roof. Nor shall there be at any time erected or carried on upon any of said lots, any slaughter-house, tallow-chandlery, furnace, foundry, nail or other factory, or any manufactory for making starch, glue, varnish, vitriol, oil or gas, or for tanning, dressing, repairing or keeping hides or leather, or any distillery, brewery, or sugar-bakery, lime-kiln, railway or other stable or depot, or any manufactory, trade or business

which may be in any wise dangerous, noxious or offensive to the neighboring inhabitants. And the said street shall include a sidewalk, twenty-five feet wide, to be laid out adjoining the houses to be built thereon, ten feet in width of which shall be allowed to the owners or occupants of said houses adjoining their premises for court-yards or areas, within which to erect porches or stoops to their houses, provided they shall enclose such court-yards or areas with good and sufficient iron fences, not exceeding five feet high, and of a pattern to be approved of by said commissioners.—*Ibid.*

District of assessment

§ 113. (3) The said park commissioners are hereby also directed to take proceedings within sixty days after the passage of this act, to open, grade, and otherwise improve the said street; and, in order to determine the amount to be paid to the owners of the lands and tenements required to be taken for the purposes of this act, they shall first fix a district of assessment, beyond which the property to be benefited by the said opening, as well as the subsequent improvement thereof, shall not be assessed to defray the expenses thereof; they shall then apply to the supreme court, at a special term thereof, to be held in the second judicial district, upon a notice to be published ten days consecutively in two newspapers printed and published in said city, for the appointment of three commissioners to estimate the expense of such opening, and the damages to be sustained by any person interested therein, as well as by the reason of the said taking, as by the creation of the restriction or easement upon the land specified in the second section of this act, and to apportion and assess the same upon the property to be in their judgment benefited by the said improvement within the district of assessment so to be fixed by the said park commissioners, and the court shall thereupon proceed to make such appointment.—*Ibid.*

Appointment of commissioners.

Assessments to be levied and collected.

§ 114. (4) Upon the appointment of such commissioners, they shall, after having been duly sworn, proceed to make the said estimate and assessment, and after their report thereon shall have been confirmed by the said court, the said park commissioners shall cause the said street to be graded, paved, curbed and guttered, and shade trees planted thereon, using such pavements and materials of construction as they shall deem best, and shall certify the costs and expenses thereof to the board of assessors of the city of Brooklyn. The said board of assessors shall thereupon apportion and assess the said costs and expenses upon the property to be benefited thereby, within the district of assessment so to be fixed by the park commissioners.—*Ibid.*

Powers and

§ 115. (5) After the appointment of commissioners of

duties of commissioners.

estimate and assessment, all the provisions of the act entitled "an act to open and widen portions of Sackett, Douglass and President streets, and otherwise alter the commissioners' map of the city of Brooklyn," passed May sixth, eighteen hundred and sixty-eight, and of the acts herein referred to which relate to the duties and emoluments of commissioners of estimate and assessment to be appointed under that act, and the confirmation of their reports by the supreme court, or which relate to and prescribe the powers and duties of the said park commissioners in reference to the subject matters of that act, and to the levy and collection of all assessments and the lien thereof, and to payment for improvements and work done thereon; or which relate to and prescribe the duties of the said board of assessors; and all other provisions of laws referred to in that act, so far as they are not inconsistent with the provisions of this act, shall apply to regulate and govern all the powers, duties and proceedings of all persons, officers and boards of commissioners or assessors who shall or may be employed or appointed under this act, or who are designated or referred to in this act.—*Ibid.*

Act to take effect.

§ 116. (6) This act shall take effect immediately.

Washington avenue improvement and extension.

§ 117. (1) Washington avenue, in the city of Brooklyn, is hereby widened so as to be eighty feet wide, from Atlantic avenue southerly to the city line of Brooklyn, and shall be opened to that width by adding ten feet in width to the westerly side thereof, as the same is now laid down on the commissioners' map of the city of Brooklyn. And the said avenue so widened is hereby extended southerly, in a direct line, into the town of Flatbush, until the easterly side thereof intersects a line drawn at right angles to East New York avenue, from a point on the northerly side of said avenue, which point is distant nine hundred and eighty feet westerly from the northwest corner of Perry avenue and East New York avenue, as said avenues are designated by a stone monument, and thence along said right-angled line to the northerly side of said East New York avenue, and which said right-angled line forms the said easterly side of said extended avenue. And the said avenue is hereby further extended by the name of Washington place, from said avenue, and westerly to Flatbush avenue, which last extension shall be seventy feet wide, and its northerly side shall begin at a point on the westerly side of said Washington avenue, at a point which is five hundred and ninety-five feet southerly from a point on the westerly side of said Washington avenue, formed by extending the southerly line of Montgomery street westerly, and running thence westerly, at right angles to Flatbush avenue, until it reaches

said Flatbush avenue; and all those two triangular pieces of land, at or near the junction of Washington and Underhill avenues, lying between Atlantic avenue and Pacific street, and between the westerly side of Underhill avenue and a line drawn parallel with and one hundred and seventy-four feet easterly therefrom, are hereby added to said Washington avenue, and shall form part thereof, and be so laid down on the commissioners' map of the city of Brooklyn.—*Laws of* 1870, *Chap.* 376.

District of assessment.

§ 118. (2) The Brooklyn Park commissioners are hereby directed to open, grade and otherwise improve the said avenue so widened, and the said extension thereof. And, for the purpose of determining the amount to be paid to the owners of the lands and tenements required to be taken for the purposes of this act, and the expenses thereof, they shall first fix a district of assessment, within which the property to be benefited by the improvements shall be assessed to defray the said damages and expenses, and shall then cause application to be made to the supreme court, at a special term thereof, to be held in the second district, upon a notice to be published not less than ten days consecutively in two daily newspapers printed in the city of Brooklyn, for the appointment of three commissioners of estimate and assessment.—*Ibid.*

Commissioners of estimate to be appointed.

Report of commissioners.

§ 119. (3) The commissioners so to be appointed shall, after being duly sworn, estimate the expenses of the said widening and extension, and the damages to be sustained by the owners of land, and all other persons to be affected thereby; and, after their report thereon shall have been confirmed, they shall apportion and assess the same as they shall deem just and equitable upon any lands and premises to be benefited by the said improvement within the district of assessment so to be fixed by the said park commissioners.—*Ibid.*

Powers and duties of commissioners, etc.

§ 120. (4) After the appointment of the said commissioners, all laws now in force relative to the opening, widening, and extending of streets and avenues, in the city of Brooklyn, and the proceedings thereon, and duties of the several persons to be employed therein, substituting the said park commissioners in the place of the common council of said city, and the said commissioners of estimate and assessment in the place of the board of assessors in relation to the opening of streets; including, also, payment for the work to be done, the lien of assessments for the opening of streets, as well as for the improvement thereof, and the levy and collection of the same, so far as they are not inconsistent with the provisions of this act, shall apply to, regulate

and govern all proceedings which may be had or taken under this act. And the park commissioners shall employ an attorney and counsel, and all such clerks, surveyors and other agents as may be required for the purposes of this act.—*Ibid.*

Avenue to be improved.

§ 121. (5) The said avenues so widened, and the said extensions thereof, shall be laid out according to a plan to be devised or adopted by the said park commissioners, and shall be graded, paved, curbed, and guttered, and shade trees planted thereon, as they shall direct. And the park commissioners may construct such carriageways, sidewalks and areas, and make use of such materials of construction or pavement as they shall deem best, and may make all necessary contracts for carrying out the said improvements. And all such contracts, with all other expenses incident to the improvement of the said widened avenue, or the extension thereof, shall be certified by the said park commissioners to the board of assessors of the city of Brooklyn, and shall be by said board apportioned and assessed as other local assessments are by law directed to be apportioned and assessed in said city, within the district of assessment so to be fixed by the said park commissioners, for the said opening.—*Ibid.*

Assessments to constitute liens.

§ 122. (6) All assessments to be laid under this act, whether they relate to the opening of the said avenue, or of the extensions thereof, or the improvement of the same, shall constitute liens upon the several pieces or parcels of property to be charged therewith, whether such parcels are in the city of Brooklyn or elsewhere in the county of Kings; and so far as they relate to property lying within the said city, they shall be levied and collected in the same manner as other local assessments are, by law, levied and collected in said city; and, so far as they relate to property outside of said city, they shall be collected in the manner hereinafter described.—*Ibid.*

Collector of do. for town of Flatbush.

§ 123. (7) The said park commissioners are hereby authorized and directed to appoint a collector of all such assessments to be laid under this act as are chargeable upon property lying outside of the said city and within the town of Flatbush. The said collector shall give bonds to the said commissioners for the faithful discharge of his duties, and the prompt payment to the comptroller of the city of Brooklyn of all moneys to be collected by him, and shall be entitled to receive five per cent. for all moneys so to be collected and paid over by him. Upon the receipt of such moneys by the comptroller, he shall forthwith pay them to the several persons entitled to receive the same.—*Ibid.*

Duties of said collector.

§ 124. (8) Immediately after the appointment of the said collector, he shall give ten days' notice of a time and place where he will attend to receive payment of the said assessments, which notice shall be posted in at least four conspicuous places in the town of Flatbush, and also at the City Hall, in the city of Brooklyn: and, if the said assessments shall remain unpaid for twenty days after the expiration of the said ten days, he shall proceed to sell such of the said several parcels of lands, upon which the said assessments shall remain unpaid, at public auction, for the lowest term of years for which any person will take the same, and pay the amount remaining due, with ten per cent. interest added thereto, the said collector first giving thirty days' notice of the time and place of sale, by affixing the same in at least four conspicuous places in the town of Flatbush, and also at the City Hall, in the city of Brooklyn.—*Ibid.*

Sales by collector may be redeemed.

§ 125. (9) Upon the sale being made, the said collector shall give certificates of sale to the purchasers, and shall also execute and deliver conveyances of the lands so purchased, unless the same shall have been redeemed within two years from the time of sale, by the payment to the purchaser or to the said comptroller, for his use, of the sum paid by him, with interest at the rate of twelve per cent. per annum.—*Ibid.*

Act to take effect.

§ 126. (10) This act shall take effect immediately.—*Ibid.*

OF THE

LOCAL JUDICIARY.

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SECTION 1. There shall be elected in the city of Brooklyn at the next charter election to be held in the said city, and every six years thereafter, a city judge, who shall hold his

City judge to be elected.

office for six years from the first day of May next after his election, and shall be subject to removal in the same manner as the county judges.—*Laws of* 1849, *Chap.* 125.

Two additional judges to be elected.

§ 2. (1) Two additional judges of the city court of Brooklyn shall be chosen by the electors of that city at the time provided by law for the first election of judges of the court of appeals, under the sixth article of the constitution. The persons voted for by any elector shall be upon one ballot, which shall be separate from the ballot for judges of the court of appeals. The ballot shall be indorsed "City Court," and the inspectors and canvassers holding the election in said city for the said judges of the court of appeals, shall be the inspectors and canvassers of such election, and shall keep a separate box in which the ballots shall be deposited. The two persons receiving the highest number of votes shall be deemed chosen at such election. The votes shall be canvassed as now provided by law in reference to other elections in said city, and in all other respects the provisions of the act providing for the said first election of the judges of the court of appeals shall be applied, so far as applicable, to the election in this section provided for. The official terms of the judges elected under this act shall commence on the first Monday of July next, on or before which day they shall take the oath of office.—*Laws of* 1870, *Chap.* 470.

Jurisdiction of court.

§ 3. (2) The said three judges, or any of them, shall hold a court of civil jurisdiction, to be called the "city court of Brooklyn," which shall be a court of record, and its jurisdiction shall extend to the following actions and proceedings where the cause of action shall have arisen, or where the subject thereof shall be situated, in the city of Brooklyn:

1. For the recovery of real property, or of any interest thereon, or for the determination in any form of such right or interest, and for injuries to real property.

2. For the partition of real property.

3. For the foreclosure or satisfaction of a mortgage of real or personal property.

4. For the recovery of personal property distrained for any cause.

5. For all other actions where the cause of action shall have arisen in the said city, or where one of the defendants shall reside or be personally served with the summons within the said city.—[*As amended by Laws of* 1871, *Chap.* 282; 1872, *Chap.* 688.]

6. To actions against corporations created under the laws of this state, and transacting their general business within the said city, or established by law therein.

7. To actions for the partition of the real estate of infants, in which actions the said court shall have the same jurisdiction as is given to the supreme court by section one of chapter two hundred and seventy-seven of the laws of eighteen hundred and fifty-two.

8. For the measurement of drives.

9. For the sale, mortgage or other disposition of real property of infants, habitual drunkards, lunatics, idiots and persons of unsound mind.

10. To compel the specific performance, by infant heirs or other persons, of contracts respecting real property and chattels real.

11. For the mortgage or sale by religious corporations of their real property, and the application of the proceeds thereof.

12. To action against corporations created by or under the laws of another state, government or county, which have property in said city, or an agency established therein.

13. For the care and custody of idiots, lunatics, persons of unsound mind and habitual drunkards, and of their real and personal estate.—*Laws of* 1870, *Chap.* 470.

§ 4. (3) The said court shall always be open for the transaction of any business for which no notice is required to be given to an opposing party. At least ten terms for the trial of issues of law or fact shall be held in every year, and as many special and general terms as the judges shall appoint, and on such days as the judges shall, from time to time, appoint. Notice of such appointment shall be published in the state paper at least four weeks before any such terms, and also in a newspaper printed in the city of Brooklyn. At least two judges shall be necessary to constitute a general term. In case of the absence of all of said judges from said court on any day whenever the same is appointed to be held, or to which the same shall have been adjourned, the clerk of said court shall and may, after the hour of two o'clock on the afternoon of such day, open said court and adjourn the same until ten o'clock in the forenoon of the next day whereon the said court can be lawfully held, and all other process and proceedings shall be continued accordingly.—*Ibid.* Terms of court.

Powers and authority of court same as supreme court.

§ 5. (4) The said city court and the several judges thereof shall possess the powers and authority in relation to actions in said court, and the process and proceedings therein, as is possessed by the supreme court or any justice thereof, in relation to actions pending in said supreme court, and shall possess and exercise, within the county of Kings, concurrent general jurisdiction with the supreme court in law and equity, and all laws regulating the practice of the supreme court and the course of procedure thereon shall, as far as practicable, apply to and be binding upon the said city court and the judges thereof [*as amended by Laws of* 1871, *Chap.* 282]. The supreme court may remove into that court any action pending in the city court of Brooklyn, which action could have been originally brought in the supreme court, whenever on motion it may appear to the supreme court that the convenience of witnesses or the ends of justice require it. The like proceedings shall be had thereon as to transfer of the papers in such action to the court whence the action shall be removed, as is now by law provided for removal of actions in the supreme court from one county to another.—*Laws of* 1872, *Chap.* 688.

Docketing of judgments—process of court.

§ 6. (5) Every judgment of said city court may be docketed, and shall be a lien in the like manner and to the same extent as judgments recovered in the supreme court, and the said city court shall have the same power over the dockets of its judgments in the office of any county clerk, and over such county clerk in respect to the same, as for the time being may be possessed by the supreme court in respect to the dockets of judgments in the supreme court. And the said city court shall possess the like powers in relation to process which may be issued out of said court as is now possessed by the supreme court in relation to process issued out of the said supreme court.—*Laws of* 1849, *Chap.* 102.

Appeals to general term.

§ 7. (6) An appeal upon the law may be taken to the general term of the said city court of Brooklyn within thirty days after notice of entry of judgment from a judgment entered upon the report of a referee, or the direction or decision of a single judge of said court in all cases, and upon the facts when the trial is by the court or by referee, and from judgment entered upon the verdict of a jury. An appeal may be taken to the general term of said court from an order made at a special term, or by a single judge of said court in the cases provided by section two hundred and ninety-nine of the code of procedure, and all the provisions of chapter four, title eleven, of said code shall apply to appeals so taken.—*Laws of* 1871, *Chap.* 282.

Appeals to court of appeals.

§ 8. In all actions and proceedings an appeal may be taken to the court of appeals from any order, judgment, decree or actual determination of the general term of the said city court of Brooklyn, in the cases in which such appeals can be taken to the court of appeals from the general term of the supreme court, and all provisions of law regulating appeals to the court of appeals, shall apply to appeals authorized by this section, excepting, however, that in actions for the recovery of money where the judgment in favor of plaintiff or defendant shall be less than one thousand dollars, exclusive of costs, and in all actions to recover the possession of personal property of less than one thousand dollars in value, and in all actions for the recovery of money when the amount claimed shall be less than one thousand dollars, exclusive of costs, the determination or decision of the general term of the said city court shall be final, unless the judges holding such general terms shall certify in writing that the questions involved are proper to be heard in the court of appeals, in which case said action may be taken to the court of appeals as hereinbefore provided.—*Laws of* 1871, *Chap.* 282.

Clerk of court.

§ 9. (7) There shall be a clerk of said court appointed by said court, and he shall have power to take acknowledgment of satisfaction of judgment in said courts to be recorded in any county in which such judgments may be docketed. He shall receive the same fees for his services in civil cases as are provided for similar services by the county clerk, and shall pay such fees to the county treasurer of the county of Kings. All fees which shall be received by the said clerk shall be paid by him to the said county treasurer. —*As amended by Laws of* 1863, *Chap.* 66.

Compensation of clerk—deputy clerk.

§ 10. (8) The said clerk shall be paid by the said county treasurer in quarterly payments an annual salary of two thousand dollars. He shall appoint a deputy who shall, in the absence of the clerk from his office or from the court, possess all the powers and perform all the duties of the clerk, and who shall be paid by the said county treasurer in quarterly payments an annual salary of one thousand dollars. The said clerk shall and may receive the value of all stamps which by the law of the United States may be required to be affixed to instruments, documents or papers of any kind whatsoever made, signed or issued, or caused to be made, signed or issued by him in addition to the fees now allowed by law to be received by him, and the said clerk and his deputy shall be *ex-officio* commissioners of deeds for the said city.—*Ibid.*

Clerks and stenographers.

§ 11. (5) The said judges shall, as soon as the said court

shall be organized, as by this act provided, and from time to time, as they may deem proper, appoint a clerk thereof, and such and so many deputies and so many stenographers, not exceeding two, as may be necessary for the transaction of the business of the said court. The said clerk and deputies shall hold their offices during the pleasure of the court, and upon the first appointment, as by this act provided, the terms of the present clerk and deputies in his office shall cease. The said judges shall also have power to appoint such and so many officers to attend the sittings of said court as they may deem proper, who shall also receive the same compensation therefor as is allowed by law to constables and others for attending other courts of record in Kings county, and shall be paid by the county treasurer in the same manner.—*Laws of* 1871, *Chap.* 282.

Officers to attend on court.

Board of supervisors to fix compensation of clerks and deputies.

§ 12. (7) The board of supervisors of the county of Kings are hereby authorized to fix and determine the amount of annual compensation for said clerk and said deputies to be appointed as hereinbefore mentioned, and such compensation shall be paid by the treasurer of the county of Kings in equal monthly payments, and which amounts shall be deemed and considered a county charge. —*Ibid.*

Seal of court.

§ 13. (9) The said city court shall devise its own seal at the expense of said county of Kings, and a description thereof, attested by the said clerk, shall be deposited with the secretary of state.—*Laws of* 1850, *Chap.* 102.

Court room and office of clerk.

When the office of clerk shall be kept open.

§ 14. (10) The said city court shall be held and the office of the clerk thereof shall be kept in the City Hall, in the city of Brooklyn, or at such other place as shall from time to time be provided for that purpose by the supervisors of the county of Kings; and the said supervisors shall, at the expense of said county, furnish and provide all apartments, accommodations, books and stationery necessary for the said court and clerk. The office of the said clerk shall be kept open for the transaction of business every day in the year except Sundays, the days annually observed of Christmas and New Years, the twenty-second day of February, the day or days appointed or recommended by the governor of this state or by the President of the United States as a day or days of fast and thanksgiving, the anniversary of American Independence, and any day or days whereon any general or special election shall be held in said city, from nine o'clock in the forenoon to four o'clock in the afternoon, and said office need not be kept open at any other time.—*Ibid.*

Court to have powers of court of oyer and terminer.

§ 15. (11) Any of the judges of the city court of Brooklyn may and shall hold a court of criminal jurisdiction to the same extent and in the same manner, and with the same powers as courts of Oyer and Terminer in any county of this state, in the indictment and trial of all offences committed in the said city whenever any bill of indictment for any offence shall have been transmitted to the said court pursuant to the provisions of the next section; the proceedings therein shall be in all respects the same as indictments in a court of oyer and terminer.—*Laws of* 1870, *Chap.* 470.

Indictments may be transferred from other courts.

§ 16. (12) When an indictment shall be found in the court of oyer and terminer or in the court of sessions in the county of Kings for any offense specified in the last preceding section, triable by a court of oyer and terminer, either of the said courts in which said indictment shall be found, may order the same to be transmitted to the city court of Brooklyn, and shall bind by recognizances in the manner now prescribed by law, the witnesses and the party or parties to said indictment to appear in said city court at the next term thereof; and when recognizance thus taken shall have become forfeited, the same may be prosecuted in the said city court, and the said city court shall have power in its discretion to remand any indictment to the said court of oyer and terminer or sessions.—*Ibid.*

District attorney to prosecute.

§ 17. (20) The district attorney of the county of Kings shall prosecute all indictments which may be found by the grand jury empanelled by the said city court, and all indictments which shall be transmitted to the said city court in the same manner as if such indictment had been tried in a court of sessions of the county, and shall have the same power in all respects.—*Laws of* 1849, *Chap.* 125.

City court may designate public prosecutor in absence of district attorney.

§ 18. (21) In case of the absence, inability to attend or vacancy in the office of said district attorney, the said city court may designate some suitable person to discharge the duties of the said district attorney in said city court for the time being, who shall receive such compensation therefor as the board of supervisors of the county of Kings shall fix for that purpose, and which shall be allowed and paid by the said board of supervisors as other county charges are allowed and paid.—*Ibid.*

Costs same as in supreme court.

§ 19. (22) The fees to be allowed and paid to the attorneys and counsellors of the said court, and the costs to be recovered in civil suits and proceedings thereon, shall be the same costs and fees as are allowed and recovered for similar services in the supreme court.—*Ibid.*

Salary of judges

§ 20. (12) Each of the judges of the city court of Brooklyn shall receive an equal salary, to be fixed by the board of supervisors of the county of Kings, and to be paid by the county treasurer in quarterly payments.—*Laws of* 1870, *Chap.* 470.

Expense of court to be a county charge.

§ 21. (25) The whole expense of the said court shall be a county charge, and shall be paid by the supervisors in the same manner as other county charges are now allowed and paid.—*Laws of* 1863, *Chap.* 66.

Powers of judges at chambers.

§ 22. (13) Any judge of the city court of Brooklyn shall have such powers and authority at chambers, touching any suit or proceedings in the said city court, as the respective justices of the supreme court, from time to time, shall be authorized to exercise touching like suits and proceedings in the supreme court. He may also exercise, within the city of Brooklyn, all the powers of a justice of the supreme court at chambers.—*Laws of* 1870, *Chap.* 470.

Proceedings commenced before one judge may be continued before another.

§ 23. (3) Every proceeding commenced before one of the judges of city court may be continued before another of said judges with the same effect as if commenced before him.—*Laws of* 1872, *Chap.* 688, *Sec.* 3.

Appealable orders.

§ 24. (15) Whenever an appealable order in any action shall be made by one of the judges of said court, all subsequent proceedings in said action, except in the general term, shall be had before the same judges.—*Laws of* 1870, *Chap.* 470.

§ 25. (16) The first section of an act entitled "an act authorizing and providing for the transfer of certain actions and proceedings from the city court of Brooklyn to the supreme court," passed March twenty-sixth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Transfer of cases where a judge may be incompetent to act.

Whenever any action or proceeding shall be commenced or be pending in the city court of Brooklyn, or before any judge thereof, in which all of the judges of said court shall be incompetent to act, by reason of having acted in the capacity of an attorney or as counsel, or shall be interested, or in which they would be excluded as jurors by reason of consanguinity or affinity to either of the parties, the said judges shall make a certificate stating such fact, and file the same in the office of the clerk of the said court, and shall file a like certificate with the county clerk of Kings county, and thereupon jurisdiction of such action or proceeding shall be vested in the supreme court, and the said action or proceeding shall thereafter be prosecuted in the supreme court, and be entitled therein in the same manner as if it

had originally commenced therein; and the county of Kings shall be the place for the trial of said action, and all papers on file in said city court in such action or proceeding shall, upon the filing of such certificate with him, be transferred to the office of the county clerk of Kings county, and filed in said office.—*Ibid.*

General term—where judges are incompetent to act.

§ 26. (17) Whenever any appeal in any action or proceeding shall be pending in the general term of said city court, in which two of the judges of said court shall be incompetent to sit or act for any of the reasons mentioned in the last preceding section, or because the appeal is from a decision made by one of said judges, and one other of said judges is so incompetent as aforesaid, the said judges shall make a certificate stating such fact, and file the same in the office of the clerk of said court, and file a like certificate with the county clerk of Kings county, and thereupon jurisdiction of such appeal shall be vested in the general term of said supreme court with the like effect as an appeal from a judgment or order of any judge or special term of said supreme court.—*Ibid.*

Compensation of judges.

§ 27 (18) The judges of the said court shall each receive an annual compensation the same in amount as that now received by the present city judge, to be paid quarterly by the county treasurer of the county of Kings, out of moneys to be levied by the supervisors of the said county annually, and collected in the same manner as other county charges are levied and collected.—*Ibid.*

Election of police justice.

§ 28. (27) There shall be elected in the city of Brooklyn, at the next charter election to be held in said city, and every four years thereafter, a justice of the peace, who shall be denominated the "police justice," and shall hold his office for four years from the first day of May next after his election.—*Laws of* 1869, *Chap.* 125.

Jurisdiction of police justice.

§ 29. (28) The said police justice shall not have nor exercise any civil jurisdiction, except in suits, actions or proceedings which may be brought on any of the ordinances, by-laws or regulations of the city of Brooklyn, or of the board of health of said city, where the penalty shall not exceed the sum of two hundred and fifty dollars, in all of which cases the said police justice and each of the justices of the said act shall have, possess and exercise jurisdiction. —*Laws of* 1850, *Chap.* 102.

Of warrants in criminal cases.

§ 30. (29) Warrants and other process may be issued in criminal cases by the justices of the peace and the police justice, who were or who may hereafter be elected, or ap-

pointed under and by virtue of this act, and they shall have jurisdiction in criminal cases over all persons arrested or charged with any offence within said county of Kings; and in such cases shall each possess all the jurisdiction, powers and authority of justices of the peace of the county of Kings, and shall have power to hear all complaints and conduct all examinations in criminal cases.—*Ibid.*

Fees in criminal cases.

§ 31. (30) Whenever any person shall be arrested, examined or committed on any criminal charge, and brought before either of said justices or the police justice, and the case be of such nature that the said justices or the police justice has jurisdiction thereof under the amended act, or any other law of this state, he shall charge and receive the same fees for such service as are allowed by statute to justices of the peace in towns; not for his own use, but for the use of the city of Brooklyn.—*Ibid.*

Justices and police justice to keep an office.

§ 32. (31) It shall be the duty of the police justice, and each of the justices elected under said act, to keep an office in such place in said city as the common council of said city shall from time to time designate and provide for that purpose. He shall attend to all complaints of a criminal nature which may be brought before him at all reasonable hours.—*Ibid.*

Fees to be paid over—salary.

§ 33. (32) Neither the said police justice nor any of the justices elected under this act shall be entitled to charge or receive for his own use any fee or reward whatever for any service in any case, suit or proceeding, whether civil or criminal (except such fees as they or either of them may be entitled to under proceedings instituted before them or either of them in cases arising in said city, under article two, title ten, chapter eight, of part third of the revised statutes;) but they and each of them shall pay over to the officer designated by the common council, once in each month, all such fees and charges (except as aforesaid,) and all fines, fees and penalties, and money collected or received by them or either of them under and by virtue of their office; and shall render to the said common council a monthly account, under oath, of all fees, fines, penalties and money collected or received by them or either of them, or which may remain unpaid and uncollected; and in lieu of all fees and perquisites whatsoever, and in full compensation for all their services as such justices, they shall be entitled to receive an annual salary of one thousand five hundred dollars, payable quarterly by the common council.—*Ibid.*

Salary of justices.

§ 34. (1 a) The justices of the peace of the city of

Brooklyn, elected under and by virtue of an act to establish courts of civil and criminal jurisdiction in the city of Brooklyn, passed March twenty-fourth, eighteen hundred and forty-nine, and the police justices in said city shall receive an annual salary of three thousand five hundred dollars, and the clerks of each of the said justices shall receive an annual salary of one thousand eight hundred dollars, such salaries to be paid in equal monthly payments, at the end of each month, by the common council of said city, said salary shall commence on the first day of January, one thousand eight hundred and sixty-nine. But such salary to such police justices shall be in place of all emoluments and fees whatsoever to which the said justices may be entitled in summary proceedings to recover the possession of land or otherwise, which emoluments and fees shall be paid into the city treasury annually.—*Laws of* 1869, *Chap.* 276.

Salary of police and other justices increased—clerk of sixth district.

§ 35. (9) The salary of the police justice of the city of Brooklyn and of the justices of the peace of said city is increased to four thousand five hundred dollars per annum for each, except in the sixth district where the justice shall receive two thousand five hundred dollars per annum, and the clerk the same as other clerks of justices' courts of the city of Brooklyn.—*Laws of* 1871, *Chap.* 492.

Courts of special sessions.

§ 36. (33) Either of the said justices or the police justice shall have power to hold a court of special sessions alone, and shall have jurisdiction also other than that heretofore given them to try any person arrested in said county who may be brought before them, or either of them, charged with an affray, riot, malicious mischief or cruelty to any animal, committed within said county; and in all cases which are triable in such court of special sessions, the party accused shall not be required to give bail to appear at any other court of criminal jurisdiction, unless the city judges of said city, the county judge of said county, or a justice of the supreme court shall certify that the charge is one that ought to be tried in some other criminal court, and the said justices, except the police justice, shall have the like jurisdiction in all civil cases as is now exercised by the justices of the peace of the towns in this state, in addition to the powers and jurisdiction given them under the said act hereby amended; and no justice of the peace, other than the police justice and the justices elected in the city of Brooklyn, shall have or exercise any civil or criminal jurisdiction in said city.—*Ibid.*

Absence of justices not to abate or discontinue suits.

§ 37. (1) No suit brought or action commenced in any of the justices' courts in the city of Brooklyn shall abate or be discontinued by reason of the absence of any of the jus-

tices in said city from their usual respective places of holding the said courts on the return day of any process, or upon the day to which any cause or proceeding shall have been adjourned. But the clerks of said courts, respectively, shall have power to adjourn such cases to such time as the said justices shall be in attendance upon said court, provided, however, that such adjournment shall exceed at no one time six days, without the mutual consent of the parties to the suit.—*Laws of* 1866, *Chap.* 636.

Clerks authorized to adjourn cases.

Extension of civil jurisdiction.

§ 38. (1) The civil jurisdiction of justices of the peace of the city of Brooklyn in actions, as provided for in section fifty-three of the code of procedure, and in actions for the recovery of personal property, as now provided by law, is hereby extended to two hundred and fifty dollars.—*Laws of* 1871, *Chap.* 492.

Trial fees and costs—judgment against defendant.

§ 39. (2) In all actions hereinafter commenced in said courts, where the amount of recovery shall be one hundred dollars or more, the plaintiff, where defendant does not appear and answer, shall recover the sum of seven dollars, and in all such cases where an issue shall be joined and a trial had, the sum of twelve dollars as costs, in addition to the costs and fees now allowed by law.—*Ibid.*

Trial fees and costs—judgment against plaintiff.

§ 40. (3) If judgment be given against the plaintiff in any such action, after an appearance by the defendant, the defendant shall recover seven dollars where judgment is ordered without a trial, and ten dollars where a trial shall have been had, in addition to the costs now allowed him by law, and where a trial shall be postponed or cause shown after issue joined, the court may impose costs to the amount of five dollars besides disbursements, as a condition of the postponement.—*Ibid.*

Where judgment may be rendered when no answer is filed.

§ 41. (4) In actions in contract for the recovery of money only, either expressed or implied, or on an account, the plaintiff may serve with the summons or attachment a copy of his complaint, duly verified in such case, and when such copy of the complaint is served with the summons or attachment, unless the defendant appear on the return day and file his answer denying the same, the justice is authorized to enter judgment in favor of the plaintiff for the amount claimed and costs, without further proof. In all other cases the justice must hear the evidence of the plaintiff, and render judgment for such amount only as shall appear by the evidence to be just, but in no case to exceed the sum specified in the summons or attachment.—*Ibid.*

Written answers to be filed.

§ 42. (5) In all suits in said justices' court, where a

written complaint shall be served with the summons, warrant or attachment, the defendant, at the joining of issue, shall file his written answer thereto duly verified; upon the failure of defendant so to file his answer, he shall be considered in default, and such justice shall proceed to give judgment for the plaintiff as heretofore provided.—*Ibid.*

When and how a jury trial may be demanded.

§ 43. (6) A trial by jury must be demanded at the time of joining an issue of fact, and is waived if neither party then demands it; when demanded, the trial of the case may be adjourned until a time fixed for the return of the venire. Before a party can be entitled to a jury he must deposit with the clerk, at a time he demands a trial by jury, one dollar and fifty cents, and the officers' fees for summoning a jury, which jurors' fees and officers' fees, as now established by law must be included in the judgment as part of the costs, in case the party calling the jury recover judgment.—*Ibid.*

Defaults.

§ 44. (7) Any of the justices of the peace in the city of Brooklyn may, upon motion made before him, set aside any default made in any action tried before or by him, and may award such costs, not exceeding ten dollars as a condition for opening such default, against the party in default, as in his discretion shall be just and proper. He may, likewise, as a condition of opening such default, order the party in default to give an undertaking with sufficient sureties, to be approved by him, to the effect that such defendant will not sell, assign or transfer any of its property with intent to hinder, delay or defraud the plaintiff in the collection of his claim or demand if he shall prevail on the trial of such action, and that he or his sureties will pay the amount of any judgment recovered against such defendant in such action. He may, likewise, as a further condition of opening such default, order the judgment and any levy made thereon to stand pending the trial as further security.—*Laws of* 1871, *Chap.* 492.

Clerks and officers of courts.

§ 45. (34) The common council of the city of Brooklyn may nominate and appoint, if they shall deem necessary, a clerk for the police justice, and also one clerk for each of the other justices, and may, by ordinance or otherwise, fix and regulate the duties of such clerk or clerks. The said clerk or clerks shall each be entitled to receive such annual salary, to be paid by the common council, as they may fix, not to exceed the sum of five hundred dollars per annum, payable quarterly by the common council. They may also designate a policeman, marshal or constable * to attend upon each of the said courts, and may, by ordinance or

* Policemen designated to attend upon courts by police act of 1871.

otherwise, fix and define his duties in and about said courts, and allow each of them so designated such compensation (in lieu of all fees and perquisites whatever) as they shall deem proper.—*Ibid.*

Justices to appoint clerks.

§ 46. (1) The police justices and the justices of the peace in the city of Brooklyn shall each nominate and, with the consent of the common council of the city of Brooklyn, appoint one clerk for each of said courts, who shall hold his office during the pleasure of the justice so appointing him.—*Laws of* 1861, *Chap.* 337.

[Laws of eighteen hundred and sixty-nine, chapter eight hundred and thirty, provides for appointment of clerk to justice of sixth district.]

Bond of clerks.

§ 47 (2) Each of said clerks shall execute, before entering upon the discharge of the duties of his office, a bond to the said city of Brooklyn, in the sum of two thousand five hundred dollars, with two sufficient sureties to be approved by a justice of the supreme court, conditioned for the faithful performance of the duties of the office as such clerk, and for the accounting and paying over, as directed by law, all moneys which shall be received by them as such clerks.—*Ibid.*

Common council to divide the city into districts.

§ 48. (35) The common council of the city of Brooklyn are hereby authorized, from time to time, to divide the said city into two or more districts, for each of which districts shall be elected by the electors of said city, at the next charter election to be held in said city, and every four years thereafter, a justice of the peace, who shall hold his office for the term of five years from the first day of May next thereafter; and who shall have the same jurisdiction in said city that justices of towns have by law in respect to the towns for which they have been elected, except as hereinbefore restricted; and they shall be deemed justices of the peace of the county of Kings. They shall also have jurisdiction in all cases arising within said city, under article two, title ten, chapter eight, of part third of the revised statutes, to the same extent as assistant justices in the city of New York now have.—*Laws of* 1869, *Chap.* 125.

Fees.

§ 49. (36) The said justices of the peace exercising civil jurisdiction shall be entitled to receive the same fees, for the use of the city of Brooklyn, as were allowed for similar services in the late municipal court of the city of Brooklyn, and otherwise shall be subject to the statutory provisions of the state of New York, in relation to civil causes before justices of the peace; and appeals from their judgments,

in such causes, shall be made to the county court of county of Kings, in the same manner as appeals from justices' courts in towns. Transcripts of judgments rendered by said justices, or either of them, shall be a lien upon real estate, in the same manner as transcripts of judgments of justices of the peace elected in the towns of the state, upon being filed, entered and docketed in the office of the clerk of Kings county as required by statute, and execution may issue thereon, and be cancelled and discharged in like manner.—*Laws of* 1850, *Chap.* 192.

Vacancies, how to be filled.

§ 50. (37) In case the office either of the city judge, the police justice or any other justice of the peace of said city shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointments by the common council of said city until it shall be supplied at the next charter election to be held in said city, when it shall be filled by election for the residue of the unexpired term.—*Laws of* 1849, *Chap.* 125.

Municipal court abolished.

§ 51. (38) All acts and parts of acts which relate to the organization of the municipal court of said city of Brooklyn, the proceedings thereon, and the jurisdiction and the powers of the justice thereof, are hereby repealed. But all proceedings, either of a civil or criminal nature, which may be pending in said municipal court, or before either of the justices thereof when this act takes effect, shall be continued before the police justice, to be elected by virtue of this act, who shall have jurisdiction thereof, and possess all the powers and jurisdiction which the said municipal court or the justices thereof now have in relation thereto.—*Ibid.*

Act extended over the whole city.

§ 52. (44) Said act is hereby extended to the city of Brooklyn as incorporated by an act entitled "An act to consolidate the cities of Brooklyn and Williamsburg into one municipal government, and incorporate the same," etc. —*Laws of* 1855, *Chap.* 514.

Justice for the sixth district.

§ 53. (1) There shall be elected in the city of Brooklyn at the next charter election in the said city, and every four years thereafter, a justice of the peace who shall be denominated a justice of the peace for the sixth district in said city, for the purposes of said election as hereinafter provided; and such justice shall have the same jurisdiction in civil and criminal proceedings as is now possessed by the justices of the peace in said city.—*Laws of* 1868, *Chap.* 689, *Sec.* 1, *as amended by Chap.* 492, *Sec.* 8, *Laws of* 1871.

Justice of sixth district, powers of.

§ 54. (3) All laws now governing the justices of the peace in said city shall apply to and be binding upon said justices.—*Laws of* 1868, *Chap.* 689.

Court room, etc. to be provided for justice of sixth district.

§ 55. (b) The common council of said city shall, immediately after the passage of this act, provide a suitable court-room, and fit up and furnish the same for the transaction of such business as may or shall devolve on said justice or may or shall be brought before him, and said court-room shall be located in some suitable place east of Nostrand avenue, and south of Gates avenue, and north of Atlantic avenue in said city, and the person so elected to the office of said justice, as is by this act provided, shall hold and keep his court open every day from six P. M. to nine o'clock P. M. for transaction of such business as may be before him.—*Laws of* 1868, *Chap.* 689.

Interpreters for fourth and fifth districts.

§ 56. The justices of the peace of the fourth and fifth districts of the city of Brooklyn are hereby authorized to appoint some suitable person as interpreter for the courts of said districts, to hold office during the pleasure of said justices; said interpreter shall receive a salary of eight hundred dollars per annum, to be paid in the same manner as the salaries of other city officers in the city of Brooklyn.—*Laws of* 1871, *Chap.* 331.

OF EXCISE.

LAWS OF 1857,

Sec. 9. As to inn-keepers.
10. No debt for liquors to be recoverable by suit at law.
11. Provisions as to license other than to tavern or hotel keepers.
12. Penalties for violation of provisions.
13. do.
14. do.
15. Duty of policemen, etc.
16. Intoxicated persons.
17. do. do.
18. Duties of magistrates on complaint of husband, or wife, or parent.
19. Habitual drunkards and paupers.
20. Sundays and election days.
21. Penalties, in whose name recovered.
22. Bonds.
23. Bonds to be prosecuted.
24. As to convictions for violating act.
25. Revoking of licences.
26. Restrictions when licenses are revoked.
27. Damages resulting from unlawful sale.
28. Duty of courts.
29. Who may prosecute for violation in case of neglect of those whose duty it is by this act so to do.
30. Employment of intemperate persons.
31. Parties fined subject to penalties of this act not entitled to jail liberties.

As to inn-keepers.

§ 9. Every keeper of an inn, tavern, or hotel, in any of the towns or villages of this state, shall keep in his house at least three spare beds for his guests, with good and sufficient bedding, and shall provide and keep good and sufficient stabling and provender of hay in the winter, and hay or pasturage in the summer, and grain for four horses or other cattle more than his own stock, for the accommodation of travelers; and every keeper of an inn, tavern, or hotel, in the cities of this state shall keep at least three spare beds and the necessary bedding for the accommodation of travelers. For every neglect or default in having either of the articles herein required, such keepers shall forfeit ten dollars, to be recovered by the overseers of the poor for the use of the poor.—*Laws of* 1857.

No debts for liquors to be recoverable by suit at law.

§ 10. No inn, tavern, or hotel keeper, who shall trust any person other than those who may be lodgers in his house, for any sort of strong or spirituous liquors, or wines, shall be capable of recovering the same by any suit. All securities given for such debts shall be void; and the inn, tavern, or hotel keeper taking such securities, with intent to evade this provision, shall forfeit double the sum intended to be secured thereby.—*Ibid.*

Licenses to others than hotel keepers.

§ 11. In all licenses that may be granted (excepting to inn, tavern, or hotel keepers) to sell strong or spirituous liquors or wines, in quantities less than five gallons, there

shall be inserted an express declaration that such license shall not be deemed to authorize the sale of any strong or spirituous liquor, or wine, to be drank in the house or shop of the person receiving such license, or in any outhouse, yard, or garden appertaining thereto, or connected therewith.—*Ibid.*

Penalties.

§ 12. Whoever shall sell any strong or spirituous liquors or wines in quantities less than five gallons at a time, without having a license therefor, granted as herein provided, shall forfeit fifty dollars for each offense.—*Ibid.*

Penalties.

§ 13. Whoever shall sell any strong or spirituous liquors or wines to be drank in his house or shop, or any outhouse, yard, or garden appertaining thereto, or shall suffer or permit any such liquors or wines sold by him, or under his direction or authority, to be drank in his house, or shop, or in any outhouse, yard, or garden thereto belonging, without having obtained a license thereof as an inn, tavern, or hotel keeper, shall forfeit fifty dollars for each offense.—*Ibid.*

Penalties.

§ 14. No inn, tavern, or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall sell or give away any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother, or guardians. Whoever shall offend against either of these provisions shall forfeit ten dollars, to be recovered by the master of such apprentice or servant, or by the parent or guradian of such minor and any person who shall sell or give away any strong or spirituous liquor to any Indian in this state, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of twenty-five dollars for each and every offense.—*Ibid.*

Duties of policemen, etc.

§ 15. It shall be the duty of every sheriff, under sheriff, deputy sheriff, constable, marshal, policeman, or officer of police, to arrest all persons found actually engaged in the commission of any offense in violation of this act, and forthwith to carry such person before any magistrate of the same city or town, to be dealt with according to the provisions of this act; and it shall be the duty of such magistrate on sufficient proof that such offense has been committed, unless such person shall elect to be tried before such magistrate, to require a bond to be executed by such offender in the penal sum of one hundred dollars, with sureties, who shall justify in double the amount severally,

conditioned, that such offender will appear and answer the charge at the next term of the court of oyer and terminer or sessions to be held in said county, and abide the order and judgment of the court thereon, or to commit such offender to the county jail until such judgment of said court, or until he be discharged according to law. And it shall be the duty of the magistrate to entertain any complaint of a violation of this act, made by any person under oath, and forthwith to issue a warrant and cause such offender to be brought before him, to comply with the provisions of this section; and such magistrate shall, within ten days, cause such bond, together with all papers and affidavits, with a list of the persons and residences of the complaints and witnesses examined before him, to be delivered to the district attorney of the county, whose duty it shall be forthwith to prosecute the same.—*Ibid.*

Intoxicated persons.

§ 16. It shall be the duty of every such officer, whenever he shall find any person intoxicated in any public place, to apprehend such person and take him before some magistrate of the same city or town; and if such magistrate shall, after due examination, deem him too much intoxicated to be examined, or to answer on oath correctly, he shall direct said officer to keep him in some jail, lockup, or other safe and convenient place until he shall become sober, and thereupon forthwith to bring him before said magistrate; and whenever any person shall be brought before any magistrate, as provided in this section, it shall be the duty of such magistrate to administer to such person an oath or affirmation, and examine him as to the cause of such intoxication, and to ascertain the person or persons who sold or gave the liquor to such person; such intoxication being hereby declared to be an offense against the provisions of this act, punishable, upon conviction, by a fine of ten dollars, and costs, at the same rates as in courts of special sessions, and imprisonment in the county jail, workhouse or penitentiary, until paid, not, however, to exceed ten days. It shall be the duty of such officers to arrest, or cause to be arrested, all such persons when so intoxicated, and of the magistrate to entertain such complaints and make such examination, under the penalty of fifty dollars, with full costs of suit, for any neglect to comply with the provisions of this section.—*Ibid.*

Intoxicated persons.

§ 17. Whoever shall sell or give away any strong or spirituous liquors or wines, or shall suffer any such liquors or wines to be sold or given away, under his direction or authority, to any intoxicated person, shall forfeit not less than ten nor more than twenty-five dollars for each offense. —*Ibid.*

Duty of magistrate on complaint of husband or parent.

§ 18. It shall be the duty of magistrates and overseers of the poor in any town or city, on complaint and satisfactory proof by a wife, that her husband is an habitual drinker of intoxicating liquors, to issue written notices to all dealers in intoxicating liquors against whom such complaint is made, forbidding the sale or giving of such liquor to such husband for the term of six months from the date of the notice, under a penalty of fifty dollars, with costs, for each and every sale or giving of such liquor, after such notice shall have been given; to be sued for in her own name and for her own use. It shall be the duty of such magistrates and overseers of the poor to forbid the sale in like manner in all cases when a husband shall make like satisfactory proof concerning the wife, and all the provisions of this section shall apply the same in either case. It shall be the duty of magistrates and overseers of the poor, when like proof is made by a parent concerning a child, who is a minor under the age of twenty-one years, or of a child concerning a parent, to forbid the sale in like manner; and all the provisions of this act shall apply as in other cases named above. —*Ibid.*

Habitual drunkards and paupers.

§ 19. It shall not be lawful, under the provisions of this act, to sell intoxicating liquors to any person guilty of habitual drunkenness, nor to any person against whom the seller may have been notified by parent, guardian, husband, or wife, from selling intoxicating liquors, and every party so selling or retailing intoxicating liquors shall, on proof thereof before any court of competent jurisdiction, be deprived of his license to sell, and shall not be allowed a renewal of said license, and in addition, on conviction, shall be punished by a fine of not less than twenty dollars, nor more than fifty dollars for each and every violation of the provisions herein set forth. If any inn, tavern, or hotel keeper, or any other person or persons whatsoever, knowingly (outside of any poorhouse,) shall sell or give to any pauper, or inmate of any poorhouse or almshouse, strong or spirituous liquors, or wine, such person or persons so offending shall be fined twenty-five dollars, and be guilty of a misdemeanor, and on conviction shall be imprisoned not more than sixty days.—*Ibid.*

Sundays and election days.

§ 20. No inn, tavern, or hotel keeper, or persons licensed to sell liquor, shall sell or give away any intoxicating liquors or wines on Sunday, or upon any day on which a general or special election or town meeting shall be held, and within one-quarter of a mile from the place where such general or special election or town meeting shall be held, in any of the cities, villages, or towns of this state, to any person whatever as a beverage. In case the election or town meetings

shall not be general throughout the state, the provisions of this section in such case shall only apply to the city, county, village, or town in which such election or town meeting shall be held. Whoever shall offend against the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail, work-house, or penitentiary not more than twenty days.—*Ibid.*

Penalties, in whose name recovered.

§ 21. The penalties imposed by this act, except the penalties provided for by sections eight, fifteen, and nineteen, shall be sued for and recovered in the name of the board of commissioners of excise, and paid over to the treasurer of the county for the support of the poor of the county.—*Ibid.*

Bonds.

§ 22. Every bond taken in pursuance to the provisions of this act, shall, within ten days after the execution of the same, be filed in the office of the clerk of the town or village in which the license shall be granted, and, in cities, in the city clerk's office.—*Ibid.*

Bonds to be prosecuted.

§ 23. Whenever a breach of the condition of such bond, given upon the granting of any license, shall happen, it shall be the duty of the commissioners of excise, the supervisor of the town, mayor of the city, or trustees of the village in which the person who shall incur the penalty shall reside, to prosecute the same and recover the penalty therefor.—*Ibid.*

Convictions for violating act.

§ 24. Whenever any conviction or judgment shall be obtained against any person licensed to sell strong or spirituous liquors or any wines, for any violation of the provisions of this act, either in a suit for a penalty or in a suit upon a bond given by such person, it shall be the duty of the justice or court before whom the same shall be had to transmit to the next court of sessions of the county a statement of such conviction or judgment, and the offense for which it was obtained.—*Ibid.*

Revoking of license.

§ 25. The said court shall cause the person or persons against whom such conviction or judgment was obtained, to be notified to appear on such day as the court shall appoint, to show cause why any such license that may have been granted to him or them should not be revoked. At the day appointed, and on such other days as the court shall appoint, it shall proceed to inquire into the circumstances, and shall revoke the license granted to the person or persons violating the provisions of this act.—*Ibid.*

Restrictions when licenses are revoked.

§ 26. The person whose license shall be revoked shall be incapable of receiving any such license to sell strong spirit-

uous liquors or wines for the space of three years from the time of such revocation.—*Ibid.*

Damages resulting from unlawful sale.

§ 27. Any person who shall sell any strong or spirituous liquors or wines to any of the individuals to whom it is declared by this act to be unlawful to make such sale shall be liable for all damages which may be sustained in consequence of such sale, and the parties so offending may be sued in any of the courts of this state by any individual sustaining such injuries, or by the overseers of the poor of the town where the injured party may reside, and the sum recovered shall be for the benefit of the party injured.—*Ibid.*

Duty of courts.

§ 28. It shall be the duties of courts to instruct grand jurors to inquire into all offenses against the provisions of this act, and to present all offenders under this act, and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures; which offenses are hereby declared to be misdemeanors, to be punished by imprisonment in the penitentiary, workhouse, or jail, for a period of three months, and by a fine of one hundred dollars.—*Ibid.*

Who may prosecute for violations of law.

§ 29. In case the parties or persons whose duty it is, by the provisions of this act, to prosecute, shall neglect to prosecute for any penalty provided by this act, for the period of ten days after complaint to them that any provision of this act has been violated, accompanied with reasonable proof of the same, any other person may prosecute therefor in the name of the board of commissioners of excise.

Employment of intemperate persons.

§ 30. All incorporated companies and persons in this state engaged in conveying passengers, including especially all railroad, steamboat, and ferry companies, and all kinds of corporations conveying for hire, persons or property, shall be, and hereby are required, to refuse employment to all persons who, on good and sufficient proof, shall be shown to indulge in the intemperate use of intoxicating drinks, and any such company which shall retain in its employ any person or persons who shall, on competent proof, be shown to be intoxicated at any period while in the active service of said company or person, either as engineer, conductor, fireman, switch-tender, commander, pilot, mate, or foreman, or be in any way connected with the moving power or management, or whose duty, if neglected, would diminish the safety and security of life, limb, or property intrusted thereto, the said company or corporation

shall be liable to pay a sum of not less than fifty dollars nor more than one hundred dollars to the county treasurer in the county where the offense may be committed and proved before any court of competent jurisdiction.—*Ibid*

§ 31. In any judgment rendered or recovered on any bond to be given under this act, or for any penalty incurred under this act, the person or persons against whom such judgment shall be rendered shall not be entitled under any execution issued on such judgment to the liberties of jail. —*Ibid.*

Violators not entitled to jail liberties.

OF EDUCATION.

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Board of Education, how appointed and organized.

SECTION 1. The common council of the city of Brooklyn shall, on the first Monday of February after this act be-

come a law, appoint thirty-three persons, residents of said city, one of whom at least shall reside in each school district thereof, who together shall constitute a board of education. It shall then divide the said board into three equal classes, each class containing eleven members, and shall determine by lot their respective terms of office, so that the first class shall serve one year, the second two years, and the third three years. In each year thereafter the said common council shall appoint eleven members of said board, care being had to preserve the representation of at least one member from each school district, whose term of office shall continue three years, and in case a vacancy shall at any time occur in said board, the said council shall supply the same. The persons so appointed shall be re-eligible, and shall hold office until their successors are appointed and shall have qualified.—*Laws of* 1850, *Chap* 143.

Powers and duties of.

§ 2. The board of education shall have the entire charge and direction of all the public schools of said city, and of the school moneys raised for the support of the same, and shall possess the powers and be subject to the general trustees of common schools in this state, so far as the same are not impaired or affected by this act. It shall annually choose a presiding officer, make its own by-laws, keep a journal of its own proceedings, define the duties of its officers and committees, and prescribe such rules and regulations for instruction and discipline in the said public schools as are not inconsistent with the laws of the state; and all the provisions of the act relating to resignations and expulsions in the common council shall be applicable to the board of education.—*Ibid.*

School districts.

§ 3. The whole city shall be a school district for all purposes of taxation, as well as for the purchase of school sites and the building and repairing of school houses, as for the annual support of schools; but shall be divided by the board of education into as many districts as there are schools, for the purpose of determining the limits within which children may attend such schools.—*Ibid.*

Colored and evening schools.

§ 4. The board of education shall have power to organize and establish schools for colored children, and such evening schools as it may from time to time deem expedient, and shall adopt the necessary rules for the government of the same. It may make use of the public school houses under its charge for such evening schools, and the expenses of said schools shall be paid out of the general fund, in the same manner as those of other public schools. No person shall be prohibited from attending the evening schools on account of age.—*Ibid.*

City superintendent and secretary.

§ 5. The board of education shall annually appoint a city superintendent of common schools, whose duty, in addition to the visitation and superintendence of the schools, shall be to examine teachers and grant certificates in such manner and form as may be prescribed by the state superintendent of public instruction, which shall not be in force longer than one year, and may at any time be revoked by the board of education; he shall also make such annual and other reports of the condition of the schools as may be required by law or by the said board, and perform such other duties as may be prescribed by the said board, in relation to the common schools of said city. The said board shall also annually appoint a secretary to said board, who shall perform such duties as may be prescribed by the said board. Such superintendent and secretary shall be paid salaries out of the general fund, to be fixed by the said board. They may be removed from office by a vote of a majority of all the members of the board of education.—*Laws of* 1857, *Chap.* 112.

City treasurer to be treasurer of.

§ 6. The treasurer of the city shall be, *ex-officio*, the treasurer of the board of education, and shall receive to the credit of said board, from the county treasurer, the amount of school money to which the city is entitled from the state appropriation, together with such amount as is raised by the board of supervisors to entitle the city to its distributive share of the school moneys of the state, and from the city collector the money raised by tax for the support of schools, and he shall disburse the same only by the order and upon the warrant of the board of education, drawn in favor of the person entitled to payment, signed by the presiding officer of the board, and countersigned by its secretary.—*Laws of* 1850, *Chap.* 143.

Treasurer to give bonds.

§ 7. The treasurer shall give such bonds for the faithful performance of his duty as the common council may require, and shall report monthly to the board of education his receipts and expenditures, with the balance remaining on hand to the credit of the board, and such other information in relation thereto as the board of education may from time to time require.—*Ibid.*

Annual census of children (repealed.)

8. The board of education shall provide for taking an annual census of all the children of the city, on the thirty-first day of December in each year, between the ages of five and sixteen years inclusive, which enumeration, with such statistical and other information as may be required by law, shall be included in the report of the city superintendent, required in a previous section.—*Repealed by Laws of* 1854, *Chap.* 109.

Annual estimate of expenditures.

§ 9. The board of education shall present annually, on or before the first Monday in February, to the common council, an estimate of the money required to be raised in the ensuing year for the support of the schools and for the purchase of school sites, as well as for building and repairing of school houses; and the common council shall determine what sums shall be raised for such purposes, respectively, in addition to the amount already required by law, in order to entitle the city to its distributive share of the state school money.—*Laws of* 1850, *Chap.* 143.—*See Laws of* 1871, *establishing board of estimate.*

Amount to be raised in any one year.

§ 10. The amount of money to be raised for the support of schools in any one year, exclusive of the sums required to purchase sites and to build and repair school houses, as well as to entitle the city to its share of the state school money, shall not be less than one dollar and twenty-five cents for each child between the ages of five and sixteen years within the city, as ascertained by the previous census herein required to be taken on the thirty-first of December in each year.—*Ibid.*

How levied and collected.

§ 11. The several amounts so determined by the common council to be raised as aforesaid, shall be levied upon all the taxable property of the city in the same manner and at the same time as the taxes for city purposes, and shall be stated and sent to the board of county supervisors to be levied and collected accordingly.—*Ibid.*

To be paid to the credit of the board of education.

§ 12. The board of supervisors, in the warrant to the collector, shall direct him to pay the amount so to be collected to the treasurer of the city, to the credit of the board of education, out of the first moneys collected.—*Ibid.*

Value of school property, how estimated.

§ 13. It shall be the duty of the first board of city assessors elected after this law shall take effect to estimate the value of the school property of each school district as heretofore existing, and certify the same to the board of supervisors. The supervisors shall thereupon proceed to equalize the said value by assessing the aggregate amount thereof upon the whole city, and crediting each school district on account of its general tax with the value of its separate school property, and its special school taxes already laid and in progress of collection.—*Ibid.*

Number and location of schools.

§ 14. The board of education shall determine the number and location of schools; but no expenditures for the purchase of ground for the erection of school houses shall hereafter be made unless the same shall have been approved

of by the common council. Such approval shall be deemed to have been given when the tax thereof shall be approved by the common council and levied by the supervisors; or it may be especially given upon the application of the board of education to make expenditure, in anticipation of a tax to be levied in the ensuing year.—*Ibid.*

Title to school property.

§ 15. The title of all property now or hereafter to be required for school purposes shall be vested in the board of education.—*Ibid.*

State appropriation for school libraries.

§ 16. The board of education shall determine whether any and what portion of the state appropriation and the county tax, designated as library money, shall be applied to the purchase of school libraries and apparatus, and the disposition thereof; and the residue of said money shall be applied to the teachers' wages, or for the purchase of school books, and to no other purpose.—*Ibid*

Special and general school fund.

§ 17. The money raised for the purchase of school sites, and the building, repairing and furnishing of school houses, shall be known as the "special school fund," and all other moneys as the "general school fund;" and it shall be the duty of the board of education to keep accurate accounts of its receipts and expenditures, distinguishing between those of a general and those of a special character; and it shall not be lawful to expend any portion of the moneys raised for the use of one of said funds for the purposes of the other of said funds, but the expenditures shall be made in conformity with the appropriations under which the funds were levied and collected.—*Ibid.*

Annual returns of receipts and expenditures.

§ 18. The board of education shall make returns annually to the common council, of its receipts and expenditures, specifying those on account of the general and special funds respectively, with such other details as the common council may from time to time require.—*Ibid.*

Sectarian doctrine not to be taught.

§ 19. No school in said city shall be entitled to any portion of the school moneys in which the religious sectarian doctrine or tenets of any particular christian or other religious sect shall be taught or inculcated, or which shall refuse or prohibit visits or examinations by the city superintendent or members of the board of education of said city; provided that this section shall not be deemed to prohibit the use of the Holy Scriptures without note or comment.—*Ibid.*

Vacancies, how filled.

§ 20. (3) Hereafter all vacancies in said board, occasioned otherwise than by the expiration of the term of office, shall be filled on the nomination of the mayor, with

the approval of the common council as aforesaid.—*Laws of* 1862.

Board extended to consolidated city of Brooklyn.

§ 21. (13) There shall be a board of education, and all the provisions of the law relating to the board of education of the present city of Brooklyn shall apply thereto, except that the board hereby authorized shall be constituted of the members of the said present board and such additional members as may be appointed by the common council for the portion of the city embraced in the present city of Williamsburgh and town of Bushwick; and the said common council is hereby authorized and required to appoint and classify such additional members, having reference therein to the proportional increase of inhabitants by the additional territory; and the school property of the cities of Brooklyn and Williamsburgh and town of Bushwick, and the several districts thereof, shall be valued by the first board of assessors elected after this act shall take effect, and the board of supervisors of the county shall proceed to equalize the said value by assessing the aggregate amoun thereof upon the whole city, and crediting each school district(the city of Brooklyn to be considered as one district), on account of its general tax with the value of its separate school property, and any special school taxes already laid and in process of collection.—*Laws of* 1854, *Chap.* 109.

Members to be classified.

§ 22. (6) On or before the first Monday of July, eighteen hundred and sixty-eight, the mayor of the city of Brooklyn shall chose by lot and designate from the then members of the board of education three classes, into which said board shall be divided, which classes shall be made up each of one-third of the members of said board, the first class to serve and hold office for one year from the date of said appointment, and designate the second class to hold office for the term of two years and the third class for the term of three years from the date of said appointment and designation respectively. All persons appointed to fill vacancies thereafter shall hold office for the term only which the person or persons in whose place he or they may be appointed would have held if he or they had continued in office.—*Laws of* 1868, *Chap.* 635.

Members, when and how appointed.

§ 23. (7) At the same time between the second Monday of January and second Monday of February, in each year, the mayor of said city shall nominate persons to fill the places of the members forming the class of said board whose term will next expire, and if the persons so nominated shall be confirmed by the board of aldermen of said city to whom the nominations shall be immediately communicated, the said persons so nominated and confirmed shall hold office as members of said board, and of said class for

the term of three years; and in case any person so nominated shall be rejected or shall not be confirmed within twenty days after their nomination, then the mayor shall immediately nominate to the said common council other persons in place of those rejected or not confirmed, and the said common council shall thereupon confirm or reject the same within twenty days thereafter. In case such last-mentioned nomination or any of them shall be rejected or not confirmed within the last mentioned twenty days, the said mayor shall then appoint such persons as he may deem proper to hold office as aforesaid in place of those rejected or not confirmed.—*Ibid, Sec.* 7.

Members to be districted.

§ 24. (8) In making such appointments care shall be taken to preserve the representation in said board of at least one member from each school district, and the members thereof shall hold office until the expiration of their terms, and until their successors shall be appointed.—*Ibid. Sec.* 8.

Normal school.

§ 25. (11) The board of education of the city of Brooklyn shall have power to organize and establish a Normal school for the training and instruction of teachers. The said board may make use of the public school house under their charge for such school, and the expense thereof shall be defrayed out of the general school fund of said city.—*Laws of* 1857, *Chap.* 279.

State tax.

§ 26. (1) There shall hereafter be raised by tax, in the present and each succeeding year, upon the real and personal estate of each county within the state, three-fourths of a mill upon each and every dollar of the valuation of such estate, for the support of common schools in this state, to be apportioned and distributed by the superintendent of public instruction, in the same manner as the proceeds of the state tax of eight hundred thousand dollars, in lieu of which this tax is substituted, and now required to be apportioned and distributed, except as hereinafter provided. The board of supervisors of each county shall assess such amount upon the real and personal estate of such county in the manner provided by law for the assessment and collection of taxes; and shall, annually, as soon as the aggregate valuation of the real and personal estate of their county shall be ascertained, give immediate notice thereof to the superintendent of public instruction. No clerk of any board of supervisors, or other person, who may make out the tax list or assessment rolls of any town, shall omit to include and apportion, among the moneys to be raised thereby, the amount hereby required to be raised for the support of schools, by reason of the ommission of the

board of supervisors to pass a resolution for that purpose. —*Laws of* 1856, *Chap.* 80.

Districts entitled to.

§ 27. (2) Every district in this state in which a school shall have been taught by a qualified teacher for the time of six months, or by successive teachers, whose periods of actual instruction amount in the aggregate to six months, and no other shall be enumerated for the purpose of the distribution of so much of the school money as shall be divided equally among the districts.—*Ibid.*

Districts and teachers.

§ 28. (3) Every district school in which two or more qualified teachers are actually employed at the same time for the period of six months or over, shall be enumerated as so many districts as there have been teachers thus employed during the year, whether any one or more of them had been continuously employed for the whole period of six months or not, providing the number of teachers actually employed shall have been at no time less than the number at which the district is enumerated. Pupils employed as monitors or otherwise shall not be deemed teachers for the purpose of such enumeration.—*Ibid.*

Election of school commissioner.

§ 29. (1) The boards of supervisors of the several counties in this state composing each one assembly district, and also the board of supervisors of each of the counties of Fulton and Hamilton, shall assemble at their usual place of meeting on the third day of June next, at noon, and elect for their county an officer to be called school commissioner. Such officer shall be elected by ballot, and shall hold his office from the day of his election until the first day of January, one thousand eight hundred and fifty-eight.—*Laws of* 1856, *Chap.* 179.

Board of supervisors to elect by ballot.

§ 30. (2) The board of supervisors of the several counties in this state having more than one assembly district, except the counties of New York and Kings, shall meet on the third day of June next, at noon, and elect by ballot an officer to be called school commissioner for each assembly district in their respective counties, who shall hold his office until the first day of January, one thousand eight hundred and fifty-eight.—*Ibid.*

In Kings county, exclusive of city of Brook-

§ 31. (3) The supervisors of the towns of Flatbush, Flatlands, Gravesend, New Lots and New Utrecht, in the county of Kings, shall, on the third day of June next, meet at the usual place of meeting of the board of supervisors of said county, and elect by ballot a school commissioner for that portion of said county not included within the city of Brooklyn, who shall hold his office from the day of election until the first of January, one thousand eight hundred and

fifty-eight, and until a successor shall have been elected by the inhabitants of the said towns in the manner hereinafter provided.—*Ibid.*

Two commissioners in certain counties.

§ 32. (4) In the several counties composing each, but one assembly district, the respective boards of supervisors shall have power and are hereby authorized, in their discretion, to choose two school commissioners whenever the number of school districts in the county shall exceed one hundred and forty, counting two parts of districts joined with other counties one district. In case two commissioners shall be chosen as aforesaid, then the board of supervisors shall immediately proceed to divide the county into two districts or sections, having reference in such division, as nearly as may be, to equalize the territory and number of schools and pupils under the supervision of each commission, and also having reference to the density of population and the facilities for travelling. They shall make a description of the divisions established by them and assign the charge of one of them to each of the commissioners then chosen. But no town shall be divided in the formation of any such district. Such description shall be filed in the office of the county clerk, and a copy thereof sent by him to the superintendent of public instruction.—*Ibid.*

Casting vote.

§ 33. (5) In case any two persons shall have an equal number of votes for the office of commissioner, at the election hereinbefore provided for, the clerk of the board may give a casting vote, but except for that purpose shall have no vote in the proceedings.—*Ibid.*

Certificate of election.

§ 34. (6) A certificate of election of every commissioner shall forthwith be made by the clerk of the board of supervisors, and filed in the office of the county clerk, and a duplicate thereof be sent by mail to the superintendent of public instruction; and the county clerk, upon the filing of such certificate, shall forthwith give notice in writing to the school commissioner of the election, who shall, within ten days after such notice, take and subscribe the constitutional oath of office, and shall give notice of their acceptance to the superintendent of public instruction, and enter upon their duties immediately. They shall hold their office until the first day of January, one thousand eight hundred and fifty-eight, and until their successors shall have taken and filed with the county clerk the like oath of office.—*Ibid.*

Ballots, how endorsed.

§ 35. (7) At the annual general election held in the year one thousand eight hundred and fifty-seven, and every three years thereafter, there shall be elected, on a separate

ballot, to be endorsed "school commissioner," in the several assembly districts, and in the sections of single assembly districts, formed and designated as hereinbefore provided, and in the towns of Kings county not included in the city of Brooklyn, a school commissioner for such district or section. All the provisions of law relating to the mode of voting and of canvassing the votes for county officers shall apply to and govern the election of such commissioners. The persons so elected shall enter into office on the first day of January, one thousand eight hundred and fifty-eight, and shall hold office for three years, and until their successors shall have qualified according to law. Each of such commissioners, in counties where more than one is elected, shall take charge of that one of the assembly districts, or that one of the sections into which any county having but one assembly district may be divided, for which he shall have been elected; but may, upon the written request of the commissioner in charge of any other section of the same county, perform any duties therein which he might discharge in the section of his own residence.—*Ibid.*

Duties of commissioners.

§ 36. (8) Every commissioner shall have power, and it shall be his duty:

1. To visit and examine all the schools and school districts committed to his charge as often in each year as shall be practicable; to inquire into all matters relating to the management, the course and mode of instruction, the books, studies and discipline of such schools, the condition of the school houses, out-buildings and appendages, and of the districts generally; to advise and counsel with the trustees and other officers of school districts in relation to their duties, and particularly in relation to the construction, ventilation and warming of school houses, and the improving and adorning of the school grounds connected therewith, and to recommend to such trustees, and to the teachers employed by them, the proper studies, discipline and management of the schools, the course of instruction to be pursued, and to examine into the condition of the district libraries. No commissioner shall act as agent for any author, publisher or bookseller, or shall directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, or school apparatus, or furniture of any kind whatever. Any act herein prohibited shall be deemed a violation of his official oath, and any offer or solicitation to such an act shall be considered an attempt to bribe and corrupt a public officer.

2. To examine persons offering themselves as candidates for teachers of public schools, in order to determine and to

decide upon their capacity, and to grant them certificates of qualification, in such forms as shall be prescribed by the superintendent of public instruction, which certificates, according to the terms thereof, shall be evidence of the qualifications of such teachers in the district of the county to which such commissioners shall be elected, or to which he shall be assigned in accordance with the provisions of this act.

3. To annul any certificate granted to any teacher by him or by his predecessor, or by any town or county superintendent, whenever such teacher shall be found deficient; and to examine, upon reasonable notice and opportunity of defence to the teacher, into all charges affecting the moral character of the teacher, which may be presented as a cause for annulling a certificate, by whomsover such certificate may have been granted, and he shall report every instance of such examination, the evidence which may be presented in the case, to the superintendent of public instruction immediately after the conclusion of such examination.

4. To organize and conduct, at least once in each year, in his own district, or in concert with the commissioner or commissioners of one or more adjoining districts in the same county, a teachers' institute, and to induce, if possible, all the common school teachers in his district to be present and take part in the exercises of such institute; and to perform the duties imposed by chapter three hundred and sixty-one, laws of eighteen hundred and forty-seven, upon town superintendents, and to give the notice therein required to be given by the county clerk.

5. And generally, by all means in his power, to promote sound education, elevate the character and qualification of teachers, improve the means of instruction and advance the interests of the schools committed to his charge.—*Ibid.*

§ 37. (9) Any commissioner may at any time resign his office to the clerk of the county in which he was elected, and in case of vacancy from such cause, or by death, removal from office or from the county, or refusal to accept, the county clerk shall give immediate notice to the county judge of such county, who shall appoint a successor to fill such vacancy till the next following general election, when a successor shall be chosen by the electors as hereinbefore provided.—*Ibid.* Resignation of.

§ 38. (10) The commissioners shall be subject to such rules and regulations as the superintendent of public instruction shall from time to time prescribe, and appeals Powers and duties of

from their acts and decisions may be made to him in the same manner and with like effect as in cases now provided by law. They shall make reports annually to the superintendent of public instruction, at such times as shall be appointed by him, containing such information as he shall require; and for that purpose the annual reports of the trustees of school districts shall be made to them, and be deposited with the town clerks of the town in which the school house of each district is situated, from whom the said commissioners shall obtain the same. Henceforth the trustees of joint districts, composed of territory lying in two or more towns in the same county shall be required to make but one annual report, in such form as the state superintendent of public instruction shall prescribe. The reports of the trustees, after the commissioner shall have made his abstract therefrom, shall be properly arranged, filed, and, together with a copy of his own annual report, shall be deposited in the office of the county clerk for safe keeping. The county clerk shall not be required to make returns or abstracts of such reports.—*Ibid.*

Power to take affidavit.

§ 39. (11) Every commissioner shall have power to take affidavits and administer oaths in all matters pertaining to common schools, but without charge or fee, and under the direction of the superintendent of public instruction may hear and report to him testimony in all cases of appeals. *Ibid.*

Salary of.

§ 40. (12) Every commissioner chosen or elected in pursuance of this act shall receive an annual salary of at least five hundred dollars, to be paid out of the income of the United States deposit fund, appropriated to this purpose or to the support of common schools, and it shall be the duty of the superintendent of public instruction to apportion to each county, in his annual apportionment of the income of said fund thus appropriated, five hundred dollars for the salary of each commissioner of common schools in said county, created under authority of this act. *Ibid.*

Increase of salary.

§ 41. (13) The several boards of supervisors, whenever, in their opinion, the interests of education in their respective counties will be promoted thereby, may increase the salary of any commissioner to such sum as they may deem reasonable and just, but the supervisors of the wards in any city not included in a school commissioner's district shall not vote upon such questions; the increase over and above the five hundred dollars payable to him from the United States deposit fund to be a charge upon the county or district over which such commissioner may have jurisdiction; and the same shall be assessed annually upon the towns composing

such county or district rateably, according to the corrected valuations of the real and personal estate of such towns.—*Ibid.*

§ 42. (14) The boards of supervisors are hereby authorized and required to audit and allow to such commissioners such sums as they may have incurred for necessary expenses by them in the performance of their official duties to an amount not exceeding one hundred dollars. *Ibid.* Necessary expenses.

§ 43. (15) The superintendent of public instruction shall also apportion to each of the cities in this state having, under special acts, a superintendent of common schools, or whose boards of education choose a clerk doing the duty of supervision under their direction, out of the income of the United States deposit fund, appropriated for this purpose, or for the support of common schools, the sum of five hundred dollars for each member of assembly to which said city shall be entitled, according to the unit of representation adopted by the Legislature, to be paid into the city treasury, and expended as required by law for the support of schools.—*Ibid.* Apportionment of school moneys.

§ 44. (16) The several cities in this state which, under special acts, already elect superintendents of common schools, or whose boards of education choose clerks doing the duty of supervision under the direction of the board of education, shall not be included in any commissioner's district created by this act or authorized to be formed by the board of supervisors; and the several boards of supervisors in counties in which such cities are joined to towns in the formation of an assembly district may divide the county, exclusive of such cities, into such school commissioner's districts as they may deem advisable, but no town shall be divided in forming such districts.—*Ibid.* Commissioners' districts.

§ 45. (17) Whenever the board of supervisors of any county in this state shall have appointed a commissioner or commissioners in pursuance of this act, and such officers shall have taken the constitutional oath of office, henceforth and after that time the office of town superintendent of common schools for the several towns in such county shall be abolished, and each town superintendent shall forthwith pay over to the supervisors of the town all school moneys unexpended, with a full statement of all moneys received and paid out by him since the last annual report made by him or his predecessor, and of the moneys remaining in his or his predecessor's hands at the time of making such report. He shall also specify in such statement the last apportionment made to the school districts, separate Payment of school moneys.

neighborhoods, and parts of joint districts in his town, and shall also state specifically the part of such apportionment paid to each, and the balance thereof due to each. If it shall appear that any former town superintendent has neglected or refused to render to his successor in office such full statement of all moneys received and paid out by him during his official term or terms, it shall be the duty of the commissioners created under this act, or any one of them, to require such delinquent town superintendent, by notice in writing, to make such return to the supervisor of his town within twenty days from the date of such service; and if, after having been duly served with such notice, he still neglects or refuses to make such return as aforesaid, or show good cause why he has not done so, he shall be guilty of a misdemeanor, and it shall be the duty of the supervisor of the town, or any commissioner created by this act, to sue for and recover all moneys in the hands of any defaulting town superintendent.—*Ibid.*

Embezzlement a misdemeanor.

§ 46. (18) Every supervisor who shall embezzle any of such moneys, or any moneys that shall come into his hands by virtue of this act, shall be deemed guilty of misdemeanor.—*Ibid.*

School moneys paid only to supervisors.

§ 47. (19) The public school moneys, heretofore paid to town superintendents, or on their orders, shall be paid only to the supervisors of the towns.—*Ibid.*

Supervisors to give bonds.

§ 48. (20) Before the county treasurer of any county shall pay over to the supervisor of any town in said county the public school moneys apportioned for the support of schools therein, he shall require the said supervisor to deposit with him a bond to the treasurer, in behalf of the town, executed by said supervisor, with two or more sufficient sureties, to be approved by said treasurer, in the penalty of double the amount of said school moneys, conditioned for the faithful disbursement, safe keeping and accounting for such moneys, and all other school moneys that may come into his hands from any other source; and whenever the said bond shall be forfeited, it shall be the duty of the county treasurer to prosecute the penalty of the same, in his own name, in behalf of the town, for and the money recovered shall be paid over to the supervisor of the town succeeding the supervisor in default.—*Ibid.*

Disbursement of school moneys.

§ 49. (21) The said supervisors, in the disbursement of and accounting for school moneys which shall come into their hands, shall be governed by the same laws and rules as are now applicable to the town superintendents. Each of the said supervisors shall keep a just and true account of all the school moneys received and disbursed by him dur-

ing each year, and shall lay the same, with proper vouchers, before the board of town auditors, at each annual meeting of such board.—*Ibid.*

Account to be rendered.

§ 50. (22) The said supervisor shall, within fifteen days after the termination of his office, render to his successor in office a just and true account, in writing, of all school moneys by him received before the time of rendering such account, and of the manner in which the same or any part thereof shall have been expended by him; and the account so rendered shall be delivered by such successor in office to the town clerk, to be filed and recorded in his office; and the town clerk shall forthwith send a copy of such account to the school commissioner. Each supervisor shall keep a bound blank book, in which all his receipts and disbursements of scool moneys shall be entered by him, specifying from whom and the purpose for which they were received, and to whom and the purpose for which they were paid out. The cost of such book shall be a charge upon his town, and said book shall be delivered to his successor in office.—*Ibid.*

Balance on hand, paid over.

§ 51. (28) On rendering such account, if any balance shall be found remaining in the hands of such supervisor, the same shall be paid immediately by him to his successor in office, who shall hold it subject to the order of the trustees of any school district, part of districts, or to the trustees of any separate neighborhood, to which the same may have been apportioned, and which shall be entitled to receive it.—*Ibid.*

Supervisors to sue for penalty.

§ 52. (24) It shall be the duty of the supervisor, by his name of office, to sue for and recover all penalties and forfeitures imposed by any act relating to schools in respect to which no provision is made, or for any default or omission by any town superintendent, or any other town officer, or school district officer or officers, now required to be sued for by the town superintendent; and, after deducting his costs and expenses, shall report the balance in his hands to the commissioner, who shall apportion the same to the district or districts to which the same may belong.—*Ibid.*

Duties and requirements of town superintendents transferred to school commissioners.

§ 53. (25) All the duties and requirements of law now imposed upon town superintendents in reference to the formation, alteration, dissolution, consolidation and annulling of school districts, the building of school houses, the selection and change of sites, and in relation to the sale of school district property, and the disposal and apportionment of the moneys arising therefrom, are hereby imposed upon the school commissioner, in respect to the several towns

within his jurisdiction; and he shall pay over the said moneys to the supervisors, to be by them paid to the districts or parts of districts which may be entitled to receive the same.—*Ibid.*

Said duties imposed on supervisors in certain cases.

§ 54. (26) All the powers and duties imposed upon town superintendents by sections seventy-two, seventy-three, seventy-seven, eighty, and one hundred and thirteen, of chapter four hundred and eighty, laws of one thousand eight hundred and forty-seven, are hereby imposed upon the supervisors of the towns.—*Ibid.*

Powers and duties of certain trustees imposed on supervisors.

§ 55. (27) All the powers and duties formerly possessed and exercised by the trustees of the gospel and school lots, and subsequently of section one of chapter one hundred and eighty-six, laws of one thousand eight hundred and forty-six, conferred upon town superintendents of common schools, are hereby conferred and imposed upon the supervisors of towns, and shall hereafter be exercised and performed by them.—*Ibid.*

Duties of town clerks.

§ 56. (28) It shall be the duty of the town clerk of each town:

1. To receive from the present town superintendents all books, maps and papers appertaining to his office, and to file and keep them in the town clerk's office.

2. To receive from the supervisor the certificates of apportionment of school moneys for the town, and record them in a book to be kept for that purpose.

3. To notify the trustees of the school districts when such estimates and appropriations are filed in his office.

4. To see that the trustees of common schools make and file with him their annual reports within the time prescribed by law.

5. To distribute to the trustees of school districts all blanks and circulars which shall be delivered or forwarded to him by the commissioner for that purpose.

6. To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, and filed with the said clerk, and to send a copy thereof by mail to the commissioner.—*Ibid.*

Duties of commissioners imposed on supervisors.

§ 57. (29) All the powers and duties imposed upon the commissioners of common schools by the act passed April

the twenty-seventh, one thousand eight hundred and twenty-nine, entitled " an act relative to moneys in the hands of overseers of the poor," are hereby imposed upon the supervisors of towns.—*Ibid.*

Duty of state superintendent in regard to United States deposit fund.

§ 58. (30) It shall be the duty of the state superintendent of public instruction, on or before the first day of January of each and every year, after deducting any portion hereinbefore required to be apportioned for and on account of supervision, to apportion and divide one-third of the remainder of the income of the United States deposit fund appropriated by law for the support of schools, and one-third of all other moneys thus appropriated, among the several school districts and separate neighborhoods in this state from which reports shall have been received, in accordance with law, in the following manner, viz.: To each separate neighborhood belonging to a school district in some adjoining state there shall be apportioned and paid a sum of money equal to thirty-three cents for each child in such neighborhood (between the ages of four and twenty-one), but the sum so to be apportioned and paid to any such neighborhood shall in no case exceed the sum of twenty-four dollars; and the residue of such one-third will be apportioned and divided equally among the school districts; and the state superintendent of public instruction shall, by proper regulations and instructions to be prescribed by him, provide for the payment of such moneys to the trustees of separate neighborhoods and school districts.—*Ibid.*

Further duties.

§ 59. (31) It shall be the duty of the state superintendent of public instruction, on or before the first day of January of each and every year, to apportion and divide the remaining two-thirds of the remainder specified in the preceding section among the several counties, according to population, as the same shall appear from the last preceding state or United States census; but in counties in which are situated cities, having a special school act, he shall apportion to each city the part to which it shall be entitled, and to the remainder of the county the part to which it shall be entitled; and he shall certify such apportionment and every other apportionment to the county clerk of the county to which they shall be made, and to the school commissioner or school commissioners of such county, and the school commissioner or school commissioners jointly, in counties having more than one commissioner, shall forthwith proceed to set apart to each separate neighborhood and school district within his or their jurisdiction the amount apportioned to each by the state superintendent of public instruction. The commissioner or commissioners shall then proceed to divide and apportion the balance of the public school mon-

eys (apportioned according to population for the support of schools within his or their jurisdiction) to the separate neighborhoods, school districts and parts of school districts joint with parts in any city or town in any adjoining county, in proportion to the number of children in each (between the ages of four and twenty-one), as the same shall appear from the report of trustees of the last preceding school year; and he or they shall specify in such apportionment the amount apportioned to each for library purposes, and the amount for teachers' wages. But no moneys shall be apportioned or set apart by him or them to any separate neighborhood or school district, or part of district (joint with a part in any city, or with a part in a town in an adjoining county,) unless it shall appear from a report of the trustees thereof, for the last preceding school year, that a public school was supported by the inhabitants thereof for the last six months during the year ending with the date of such report by a duly qualified teacher, except by special permission of the state superintendent of public instruction. The commissioner or commissioners aforesaid shall then set apart to each town within his or their jurisdiction the money so set apart and apportioned by them to each separate neighborhood therein, to each school district, the school house of which is therein, and to each part of a joint district therein, the school house of which is located in a city or in a town in an adjoining county. A certificate shall then be made by the commissioner or commissioners, showing the amount apportioned to each separate neighborhood, school district, and part of a district joint as hereinbefore specified, within his or their jurisdiction, and it shall also show the towns in which they are respectively situated. One copy of said certificate, signed by the commissioner or commissioners, shall be sent to the county treasurer, and one copy to the state superintendent of public instruction; and to the supervisor of each town the commissioner or commissioners shall certify the amount of school moneys so apportioned, which he shall be entitled to receive from the county treasurer, and the portions thereof to be paid by him for library purposes and for teachers' wages to each district, separate neighborhood, and part of a district joint with a part in a city or with any town in an adjoining county. The supervisor shall forthwith make a copy of such certificate for his own use, and deposit the original in the office of the town clerk of his town, and the share of the several towns so apportioned shall be paid over to the supervisors on and after the first Tuesday of February of each year. Sections four and five of the act entitled "an act to establish free schools throughout the state," passed April twelve, one thousand eight hundred and fifty-one, are hereby repealed.—*Ibid.*

Salaries of school commissioners.

§ 60. (32) The amount of money necessary to pay the salaries of the school commissioners, and which shall be annually apportioned by the state superintendent of public instruction from the United States deposit fund for that purpose, as hereinbefore provided, shall be drawn from the income of that fund upon the warrant of the comptroller, and retained in the treasury, to be paid out by the treasurer to the several school commissioners, upon the order of the state superintendent.—*Ibid.*

Orphan asylums to participate in school moneys.

§ 61. (1) The schools of the several incorporated orphan asylum societies within this state, other than those in the city of New York, shall participate in the distribution of school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. —*Laws of* 1850, *Chap.* 261.

Schools of said societies subject to rules of common schools.

§ 62. (2) The schools of said societies shall be subject to the rules and regulations of the common schools of such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.—*Ibid.*

Common schools free to all persons between the ages of five and twenty-one years.

§ 63. (1) Common schools in the several districts in this state shall be free to all persons residing in the district over five and under twenty-one years of age as hereinbefore provided. Persons not residents of a district may be admitted into the school kept therein with the approbation in writing of the trustees thereof or of a majority of them.—*Laws of* 1851, *Chap.* 151.

OF ELECTIONS.

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City to be divided into election districts.

SECTION 1. On or before the first day of August in each year, the board of elections (hereinafter provided for) of the city of Brooklyn shall divide said city in convenient election districts for the holding of all general and special elections, and all elections of the officers of said city who are elected by the people.

Size of districts.

§ 2. Each election district of said city shall contain, as near as practicable five hundred voters, and each district shall be entire within one ward.

Map of district to be made and published.

§ 3. As soon as the wards in said city shall be divided into districts, the said board of elections shall immediately publish the same, by making a map or description of such division, defining it by known boundaries, and keep such map or description open for public inspection in the office of the clerk of such city; and also by posting up copies of such map in at least ten of the most public places in each district of such ward; and the said board of elections shall also, prior to every election, furnish copies of such map and description to the registers and inspectors of election in each district in such ward.

Board of electors to be appointed—qualifications of members of—term of office.

§ 4. The mayor, comptroller and auditor of the city of Brooklyn are hereby empowered and directed to meet in the mayor's office of said city of Brooklyn, within thirty days after the passage of this act, at twelve o'clock, noon, and proceed to designate and appoint three proper and suitable persons not more than two of whom shall be of the same political party, who shall constitute the board of elections for the city of Brooklyn; provided that the mayor shall designate and appoint one member of said board, and the comptroller and auditor shall designate and appoint two members of said board. No person holding any public office of any kind under either the United States, state, county or municipal government, nor any employee of any bureau department, shall be eligible as a member of said board of elections; and all votes cast at any general election or special election, for any person who shall have during any portion of the three months previous to any such election, served as a member of said board of elections for any office, shall be absolutely void. The members of said board of elections shall hold office for the period of four years from the first day of May eighteen hundred and seventy-three, and until their successors shall be appointed. Such appointment shall be made in the same manner, and during the thirty days previous to the expiration of the said term of office. And in case of the resignation or death of any member of said board, his successor, shall, within thirty days after such resignation or death, be appointed for the remainder of his term in the same manner as he was appointed. The said board shall have power to appoint one of its members president of said board, and each member of the said board shall be paid for his services at the rate of one thousand dollars a year. Said board shall have power to appoint a clerk and to remove him from such office, and said clerk shall receive such salary as shall be fixed by said board, at a rate not exceeding two thousand dollars a year; and said board shall have power to secure such room or rooms, and to employ such other assistants as may be necessary for the transaction of their business.

Registers and inspectors of election to be appointed.

§ 5. On or before the fifteenth day of September in each year, the said board of elections shall appoint registers and inspectors, and on or before the fifteenth day of October, they shall also appoint canvassers for each election district, in the following manner, namely: And the member of said board appointed by the mayor shall designate and appoint one person, and the other two members of said board shall designate and appoint two persons to act as registers and inspectors of election, and the member of said board appointed by the mayor shall appoint one person, and the other two members of said board shall appoint two persons

to act as canvassers of election in the district for which they are appointed, who shall serve at the next general election and all special elections which shall take place during the year after such appointment. The said board shall also, previous to the day of any election, appoint two poll-clerks for each district in like manner; and the said board shall have power to remove any register and inspector or canvasser before the day of election, and to appoint another in his place and to fill all vacancies that may occur, except upon election day. In case any poll-clerk appointed shall fail to attend at the opening of the polls on election day, the registers and inspectors may appoint one in his place, and in case of any vacancy occurring during the voting or canvassing of votes, such vacancy may be filled by the registers and inspectors or canvassers.

Registry of electors to be made—who to be registered.

§ 6. The said registers and inspectors of election, or a majority of them, shall make the registry hereinafter provided for, in the city of Brooklyn, and the said registers and inspectors shall hold the elections hereinafter mentioned and preside at the same, and have and possess all the powers, and be subject to all the duties and liabilities of inspectors of election. They shall meet on the last Tuesday in September and the second Tuesday of October at the place designated for holding the poll of the next general election in said election district, for the purpose of registering the names of the legal voters of such election district; and for this purpose they shall organize themselves as a board of registry in each election district, and appoint one of their number chairman of the board. The said board shall remain in attendance on the days above named, and on each of said days, at the said places, from seven to ten o'clock forenoon, and from three to ten o'clock afternoon, for the purpose of making a list of all persons qualified and entitled to vote in accordance with the provisions of the constitution and laws of this state, at the ensuing election, in the election district, and who have personally appeared and asked to be registered. Such list, when completed, shall constitute and be known as the registry of electors of said district. Each member of said board shall make a list of qualified voters in the district, and enter therein under the heading of the street or avenue in which they reside, the name, age, residence, and duration of his residence in the state, in the county and in the ward, of every person entitled and desiring to be registered; and no person shall be registered unless he be at the time a resident and qualified voter within the election district; and it shall be the duty of the register receiving his name, if such person be challenged, or in case such register shall have cause to suspect such person is not a resident of such district, or is from

any cause disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election; and such register shall make a memorandum on the registry opposite the name of every person who has been thus sworn. The fact that such person has been thus sworn shall not prevent his being sworn again if challenged for any cause, when he attempts to vote at the next election; and any person taking a false oath before such register shall be punished as for wilful and corrupt perjury.* (If any person who has registered his name as a voter shall change his residence to another district before the election, he may present himself to the registers and inspectors of the district in which he has registered, and state to them on oath that he hath so changed his residence, and the place to which he has removed. Such board of registry shall thereupon give him a certificate, signed by the chairman, that his name has been stricken off on account of such removal, and shall strike his name off from the registry on which it has been entered; and on presentation of such certificate to the registers and inspectors of the district to which he shall have so removed, his name shall be entered on the registry in such district, with a memorandum of such removal. Any person who, being so registered, shall determine to change his residence to another district before the election, may present himself in like manner before the board of registers and inspectors and state to them on oath that he has determined to so change his residence and the place to which he intends to remove; a similar certificate shall thereupon be given to him, and his name shall be stricken off from the registry on which it has been entered, and he shall thereupon be entitled to have his name added to the proper registry on the Monday occurring fifteen days before the election, as provided in the seventh section of the act, on presentation of such certificate.)

Registry of electors, when and how to be made.

§ 7. The said board of registers and inspectors shall meet on the Monday occurring two weeks before the day of general election in their respective election districts, at the place designated as hereinbefore provided, for the purpose of completing said registries of election, and for this purpose they shall meet from eight to eleven A. M., and from four to eleven P. M., of that day; and they shall then revise, correct, add to and subtract therefrom and complete the said registries, and shall on that day add to the said registries any person who would on the day of the next election be entitled under the provisions of the constitution and laws of this state, to exercise the right of suffrage in

*These provisions are modified by the passage of the constitutional amendments, which are published in the "Instructions to Registers and Inspectors, Canvassers and Poll Clerks."

said district; but the name of no person shall be entered upon said registry unless the elector shall personally appear before said registers. On the next day the said registers and inspectors shall make and complete three additional lists of said registry, and enter therein the names of the persons registered, under the headings of the streets or avenues in which they reside, their age, place of residence, in numerical order, length of time of residence in the state, in the county and in the ward, and in a column headed "remarks," if to be challenged, as follows:

NAME OF STREET OR AVENUE.

Residence number, or other designation.	Name of voter.	Age.	Length of residence in the State.	Length of residence in the county.	Length of residence in the district.	Remarks. (To be challenged.

The said lists, when so completed, shall be signed and certified by each register. One of the said lists shall be retained by the chairman of the board of registers and inspectors for their use on the day of election, and the other two lists shall be delivered on the following Wednesday to the board of elections, and it shall be the duty of the said board of elections to print and distribute, for each ward respectively, fifty times as many copies of said lists as there are districts in the ward, in pamphlet form, so that each ward pamphlet shall contain the lists of the several election districts in each ward. It shall also be the duty of the said board of elections to hire all polling places and place them in proper order and condition; to furnish to the various election officers, provided for in this act, such registries, maps, books, blanks, instructions and stationery as may be necessary for the proper discharge of their duties.

Registers and inspectors to meet for correction of lists, etc.

§ 8. On the Saturday preceding the day of election, it shall be the duty of the said registers and inspectors of

election to hold a meeting from four to ten o'clock P. M., for revising and correcting the registries of election, to receive testimony and arrange for challenge at the polls; but no name shall be added to or erased from any registry at such meeting, except on certificate from the board of elections, or another board of registers and inspectors, as is by the statute provided.

Registries to be preserved, etc.

§ 9. It shall be the duty of the said board of registers and inspectors in each election district carefully to preserve the said registries of electors for their use on election day, and to designate one of their number, or one of their clerks, to be by them appointed at the opening of the polls, to check the name of every voter voting in such district whose name is on the registry, and no vote shall be received at any general election unless the name of the person offering to vote be on the said registry; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the city of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this act.

Duties, pay, etc. of registers and inspectors.

§ 10. It shall also be the duty of the said board of registers and inspectors to act as inspectors of elections in the districts wherein they are appointed at the next general election after such appointment. They shall form a board of inspectors of election by appointing one of their members to be chairman. It shall be their duty to be in constant attendance during the hours allotted for the discharge of their duties. They shall perform all the duties and possess all the powers of inspectors of election in the several towns of this state, as now provided by law. The chairman of the said board of inspectors of each district shall administer the usual oath of office to the poll-clerks before they enter upon the performance of their duties. The inspectors shall cause the lapse of every hour to be entered upon the margin of the poll-lists, beginning at the opening of the polls and continuing from the hour of eight in the morning, by noting the hour opposite to the name of the respective voter, and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the poll opposite to the name of the last voter. The compensation of the registers and inspectors shall be five dollars each per day for five days only, and the compensation of each canvasser shall be five dollars, and that of the poll-clerks shall be five dollars for the election and five dollars for the canvass; and the said registers and inspectors shall be exempt from jury duty during one year

from the date of their respective appointments. The registers and inspectors of elections and canvassers in each election district, while discharging any of the duties imposed upon them by this act, shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the day of any registration, revision or registration, election or canvass, estimate or return of votes, to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration or voting or the canvass, estimate or return of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots from intimidation or violence, and the registries, poll-books, boxes and ballots, from violence and fraud, and to appoint or deputize, if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Poll clerks, duties of.

§ 11. The clerks of each poll shall enter upon the poll-lists kept by them in columns prepared for that purpose, first, the residence, number and street of the person voting; second, the name of each person voting; third, his age; fourth, the number of ballots voted and for what office the same are voted, in columns appropriately designated for that purpose, and as many additional columns as there are boxes kept at the election.

Ballot boxes, etc., to be delivered to board of canvassers.

§ 12. Upon the closing of the polls and immediately thereafter, the board of inspectors shall securely seal the several ballot boxes, and each of them, and deliver the same, together with the poll-lists and registers of electors, to the board of canvassers.

Canvass of votes, how to be made.

§ 13. At least fifteen minutes before the closing of the poll, the board of canvassers shall meet and organize by electing one of their members chairman; they shall then receive the key of the ballot boxes from the police; and it shall be their duty, in each election district, to attend at the place of holding the poll at the closing thereof; they shall receive from the board of inspectors of election the said ballot boxes, poll-lists, and register of electors, and as soon as the poll of an election shall have been finally closed, shall canvass and count the votes. Such canvass shall be public, and shall not be adjourned and postponed until it shall have been fully completed; and such canvass shall be commenced, conducted and completed, and the result

stated in the manner now provided by law. The ballots, immediately after the same shall be canvassed and counted, shall be placed again by the canvassers in the ballot boxes from which they were respectively taken, excepting such as are attached to the returns of the election; and the canvassers shall place in the ballot boxes with the ballots a certificate stating the number of votes cast and the number of votes by them attached to the returns of the said election; and each ballot box, after the tickets shall be so replaced, shall be securely sealed up by the canvassers, and they shall then be deposited by them in the department of police, and shall there be kept undisturbed and inviolate until they are needed at the next election unless required as evidence in any court of record. No ballot, properly indorsed, found in a box different from that designated by its endorsement, shall be rejected, but shall be counted in the same manner as if found in the box designated by such indorsement; provided that the counting of such ballot or ballots shall not produce an excess over the number of the ballots deposited in the box, as shown by the poll-lists. If a greater number of ballots shall be found in a box than is required by the correspondent columns of the poll-lists, all the ballots shall be replaced in the box, and one of the said canvassers, to be designated by the board, shall, withou seeing the same and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess; but if two or more ballots are so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots exceeds the whole number of votes deposited in the box in which such tickets are found as shown by the poll-lists kept by the poll clerks.

Returns of canvass and how to be made.

§ 14. Upon the completion of the canvas, the canvassers shall make returns in triplicate, and shall within twenty-four hours deposit them as follows, under a penalty of fifty dollars to be recovered as provided in the sixteenth section of this act, as amended: One copy shall be deposited with the board of elections, and one with the county clerk. The remaining copy shall be deposited with the police department, by whom it shall be at once opened and its contents publicly announced on a bulletin board. It shall also, under proper regulations for its safe keeping, be opened to the inspection of any candidate. Poll clerks in the several election districts of the city of Brooklyn shall file with the city clerk, county clerk and police board, within twenty-four hours after the completion of the canvass, a copy of their original tallies from which the canvass is made up of the votes cast and counted at the election, signed with their respective names, and indorsed with the number of

the election district and ward. The poll-lists shall within the same time be filed, one with the board of elections, and one with the county clerk. Canvassers shall sign each page of each return, and shall seal the returns before filing them.

Oath of office to be taken.

§ 15. Each person who shall be appointed as register and inspector of elections, and as canvassers of elections in pursuance of the provisions of this act, shall, before entering upon the discharge of his duties of register and inspector or canvasser, take the oath now prescribed by law for inspectors and canvassers of election, before a member of the board of elections, or their clerk, who are hereby authorized to administer such oaths, and shall file the same with said board, on or before the third Monday of September preceding the day of the general election, except in cases of appointments made to fill vacancies; and in such cases the persons so appointed shall take such oath and file the same in the office of the said board within twenty-four hours after receiving notice of his appointment; and such appointment shall be from the same political party as the person in whose place he was appointed. All appointments to fill vacancies shall be made by the said board of elections or a majority thereof; the said board of elections shall meet on the Saturday and Monday preceding the day of the general election, and on the Saturday preceding any special election, for the purpose of making appointments to fill vacancies, and all such appointments shall be made on the last mentioned days. In case any vacancy occurs on the day of election, it shall be filled by the remaining inspectors and canvassers respectively.

Penalty for neglect or refusal to discharge duties.

§ 16. Every person appointed as register and inspector of elections, failing to take and file the oath of office, hereinbefore provided for, or who shall wilfully neglect or refuse to discharge the duties of such register and inspector or canvasser, shall, unless excused by the board of elections, be liable to a penalty of one hundred dollars, to be sued for and recovered by said board in any court of record in the name of the city of Brooklyn, for the use and benefit of the city treasury.

Penalty for acting without prescribed qualifications.

§ 17. Any register, inspector or canvasser of elections, or poll-clerk, who shall willfully absent himself from his duties, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days, and not to exceed sixty days; and any person knowingly acting as register, inspector or canvasser of election, without the qualifications herein prescribed, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished in like manner.

Penalty for false statement.

§ 18. Any person who shall willfully make any false statement to any board of registers and inspectors, as provided in the fourth section of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be punished by imprisonment in the county jail, for not less than thirty days and not to exceed three months.

Penalty for wrongful registration.

§ 19. Any register and inspector who shall register the name of any person, knowing him not to be entitled to be so registered, or any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in said districts where said registry is made, or who shall falsely personate any registered voter, or register or attempt to register, or vote or offer to vote under a false name, shall upon conviction be imprisoned in the state prison for not less than one year, nor more than two years.

Publication of election districts, places for holding polls, etc.

§ 20. The board of elections of the city of Brooklyn shall, on the third Monday of September in each and every year, designate and afterward publish, in at least three newspapers published in said city, on the days of such registration and the day of election, and on two days prior to each of such days, not including Sunday, the boundaries of each election district and the places for holding the polls in said city and for the meeting of the said boards of registers and inspectors; but no building or part of a building shall be designated as such place of registry or polling place, in any part of which wine, beer or intoxicating liquor is sold, or has been sold within thirty days next preceding the time of so designating the same, and one copy of the registry shall be posted immediately after its completion in some conspicuous place in the room where such meeting shall be held, and any person who may so desire may examine and make a transcript thereof, and said copies deposited in such public offices shall be open at all times to public inspection without charge. No election district in the city of Brooklyn shall be altered, nor any new district created, after the last Monday in August in any year.

Penalty for interfering with or omit canvassing votes.

§ 21. Any person who shall mingle, or attempt to mingle, any ballot or ballots that have not been voted with any ballots that have been voted, with intent to prevent a correct canvass; or who shall destroy or remove any ballot that has been voted with like intention; or who shall abstract, or in any respect forge, alter, or destroy, or make away with any registry, certificate, count, tally, statement or return, or any writing required to be kept by this act, or by any of of the laws of this state, relating to elections, or any officer

of elections, or person acting as such, who shall willfully refuse, or neglect to deposit in the proper ballot box, any ballot offered to him by any person for that purpose, unless for just cause he immediately return it to such person; or shall falsely count, read or tally any names on any ticket that has been voted; or falsely announce the number of tickets or ballots any person has voted, or the result of any canvass; or shall knowingly deposite in the boxes ballots offered by persons who are not registered, or shall make any return or statement required by this act, or by any of the laws of this state relating to elections, knowing the same to be untrue, or shall be guilty of any fraud in the execution of the duties of such office, shall, on conviction, be punished by imprisonment in a state prison for not less than one or more than three years. The term, officers of election, used in this section, shall apply to and embrace registers and inspectors and canvassers and the clerks appointed by them, or each of them respectively.

Qualification of registers, inspectors and canvassers.

§ 22. No person shall be appointed as register and inspector, or canvasser of elections, unless he shall be, at the time of his appointment, a qualified voter of and resident of the ward containing the election district for which he may be appointed, nor unless he shall be able to read, write, and speak the Engish language. No person shall be appointed as register and inspector, or canvasser of elections, or clerk, who shall hold at the time of appointment, or who shall have held at any time during the period of six months last prior thereto, any public office or place of public trust (except that of notary public or commissioner of deeds), whether elected or appointed thereto, or who shall have been during such time employed in public office, or by any public officer, whose services are paid for out of the public moneys, or who shall be a candidate for any office at the election for which he is to serve. And any person appointed as such register, inspector or canvasser, who shall be appointed or elected to, or accept such public office, or such employment therein, or by any public officer, as aforesaid, shall immediately thereupon cease to be such register, inspector or canvasser, and the place of such register, inspector or canvasser shall thereupon be filled by the said board of elections, as hereinbefore provided for the filling of vacancies by the board of elections.

Election officers not to interfere with polling of votes.

§ 23. It shall be unlawful for any register, inspector, canvasser or poll-clerk, to distribute, or offer to distribute, or give out any ballot, ticket or vote to any person during the time the polls shall be open, with the intent or for the purpose that the same shall or may be voted; or to have in his possession or within his control any ballot or ballots,

ticket or tickets, vote or votes, except in the lawful discharge of his duty as prescribed by this act; provided, however, that nothing herein contained shall be deemed to prohibit such officer from lawfully exercising his individual right to vote. No canvasser shall, during any portion of the canvass of the votes, have in his possession or within his control any ballot, ticket or vote, except in the lawful discharge of his duty as prescribed in this act. Each voter shall be admitted into a room where the votes are received when he deposits his ballot, and all the ballot boxes shall be so placed that each of them and their contents shall be visible at all times during the day, and until the counting of the ballots shall be completed, to any persons who are voting, and to those who are watching the voting and the counting of the ballots. Any person convicted of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than three nor more than twelve months.

Statement of result of canvass to be made and sent to police department.

§ 24. The canvassers, when they shall have canvassed all the ballots in any box, shall immediately announce the result, and send a written statement thereof, subscribed with their names, to the officer in charge of the police precinct in which the election district is located; and that officer shall immediately transmit by telegraph the result of such statement to the head of the police department. Such statement shall contain the total number of votes in such ballot box, and the number of votes found therein for each and every candidate. The officer receiving such statement shall file it in his office, and it shall be regarded as a presumptive evidence, for the space of one year, of the facts therein stated, in any court in this state in any action or proceeding.

Salaries of members of board of election and expenses of board.

§ 25. The salaries of said board of elections and their clerk, and the necessary expenses of said board, and the legal compensation of all registers and inspectors and canvassers of election and poll clerks, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, pamphlets, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration, revision of registration and polling places, of furnishing, repairing and carting ballot boxes, and of all supplies of every kind and nature for all elections in the city of Brooklyn, shall be a city charge, and shall, upon proper certificates and vouchers, after being audited by the auditor of the city of Brooklyn, be paid by the comptroller of said city. Said board of elections may make requisition on the comptroller for such sums as shall be necessary for such payments.

Spirituous liquors not to be allowed about polls, etc.

§ 26. Whoever, during the sitting of any board of registers, inspectors or canvassers of election in any election district in the city of Brooklyn, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take, or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of such liquor, shall be deemed to be guilty of a misdemeanor.

By chap. 365 of the laws of 1873, entitled "an act to amend an act entitled an act to regulate elections in the city of Brooklyn," passed May 7, 1872, various amendments to different sections of the last named act were made, which amendments are incorporated in the proper sections as compiled herein; and in addition thereto several new provisions were made, which are numbered in said amendatory act, 18 to 23 inclusive, and are as follows:

Naturalization papers to be procured.

(27) § 18. And it is further provided that it shall be the duty of every naturalized citizen, before being registered, to produce to the registers and inspectors, if any inspector shall require, his naturalization papers for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced unless such citizen was naturalized previous to eighteen hundred and sixty-seven.

Oath of office of members of board of election to be filed.

(28) § 19. The members of the board of elections shall take the oath of office before the city clerk of the city of Brooklyn, before entering on the duties of their office.

Certificates to naturalized citizens.

(29) § 20. Any naturalized citizen who shall be naturalized subsequent to the Tuesday occurring two weeks before the day of election and ten days before the day of election, may appear before the board of elections on the Monday occurring eight days before the day of election, which board shall be in session on that day from nine A.M. till twelve M., and from four P.M. till nine P.M., for that purpose, and on making satisfactory proof of such naturalization to said board, said board shall give him a certificate signed by all the members of said board, that he is entitled to vote at the election, and directing his name to be added to the registry of the proper district; and said name may thereupon be added to such registry by the chairman of such board of registry at any time before the following Sunday.

Certificate to be made of actual service of election officers.

(30) § 21. The chairman of each of the board of registry and the boards of canvassers shall, within twenty-four hours after any election, furnish to the board of elections, under his hand, a certificate stating the days of actual service of each member of such board under this act. If his certificate shall be wilfully false, he shall be liable to a penalty of one hundred dollars.

Advertisements to be published by board of election.

(31) § 22. It shall be the duty of the board of elections to publish the several notices and advertisements in relation to any election which are now required by law to be published by any official or board in the city of Brooklyn.

Special elections.

(32) § 23. If any special election shall be ordered in the city of Brooklyn, it shall be the duty of the board of registry, within the district in which such special election is to be held, to meet on the Tuesday preceding such special election, from eight to eleven A. M., and from eight to eleven P. M., for the purpose of revising and correcting the registries. And at such meeting they may add to the registries the names of all unregistered persons who would be entitled to vote at such special election, as provided in the seventh section of this act, each in his proper district, and on proper certificate, as provided for in the sixth section of this act, the names of any persons who have changed their residences since the previous registry.

By Chap. 633 of the Laws of 1874, passed June 12, 1874, various amendments were adopted, which have been incorporated in the previous sections. The following additional sections were also adopted:

When a register or inspector may be removed.

(33) § 12. Whenever any register and inspector shall be removed by the board of elections, he shall deliver over to his successor, on demand, the registry list so far as he has made it, under a penalty of one hundred dollars, to be recovered as provided in the sixteenth section of said act, and the penalty provided in the twenty-first section of the said act of May first, eighteen hundred and seventy-three, shall be recoverable in like manner.

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